

1  
2 IN THE UNITED STATES DISTRICT COURT FOR THE  
3 SOUTHERN DISTRICT OF OHIO  
4 WESTERN DIVISION  
5

6 SARAH UPDIKE,  
7 et al.,

8 Plaintiffs,

9 VS.

10 SARA JONAS, et al.,

11 Defendants.

CASE NO. 1:22-cv-00374

12  
13 Deposition of LARRY HOOK, a  
14 Defendant herein, called by the Plaintiffs for  
15 cross-examination, pursuant to the Federal  
16 Rules of Civil Procedure, taken before me,  
17 Cynthia A. Oliver (Sposato), a Registered  
18 Professional Reporter and Notary Public in and  
19 for the State of Ohio, at the offices of  
20 Lundrigan Law Group Company, LPA, 1080  
21 Nimitzview Drive, Suite 402 Cincinnati, Ohio,  
22 on Thursday, November 17, 2022, at 10:06 a.m.  
23  
24

1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 W. KELLY LUNDRIGAN, ESQ.  
 4 and  
 5 NICOLE M. LUNDRIGAN, ESQ.  
 6 Lundrigan Law Group Co., LPA  
 1080 Nimitzview Drive  
 Suite 402  
 Cincinnati, Ohio 45230

7 On behalf of the Defendants, Forest  
 8 Hills School District:

9 BERNARD W. WHARTON, ESQ.  
 10 McCaslin, Imbus & McCaslin  
 600 Vine Street  
 Suite 800  
 Cincinnati, Ohio 45202

11  
 12 On behalf of the Defendants, the  
 13 Board:

14 WILLIAM M. DETERS, II ESQ.  
 15 Ennis Britton, LPA  
 1714 Galbraith Road  
 Cincinnati, Ohio 45202

16 On behalf of the Defendant, Leslie  
 17 Rassmusen:

18 DAVID E. HARDIN, ESQ.  
 19 Freund, Freeze & Arnold  
 8899 Brookside Avenue  
 Suite 203  
 20 West Chester, Ohio 45069

21 ALSO PRESENT: Sara Jonas

22 Natalie Hastings

23 - - -

24 S T I P U L A T I O N S

1           It is stipulated by and among counsel for  
 2 the respective parties that the deposition of  
 3 LARRY HOOK, a Defendant herein, called by the  
 4 Plaintiffs for cross-examination pursuant to  
 5 the Federal Rules of Civil Procedure, may be  
 6 taken at this time by the notary; that said  
 7 deposition may be reduced to writing in  
 8 stenotypy by the notary, whose notes may then  
 9 be transcribed out of the presence of the  
 10 witness; and that proof of the official  
 11 character and qualifications of the notary is  
 12 expressly waived.

13                               - - -

14                               I N D E X

15 <u>Examination of LARRY HOOK</u>	<u>Page</u>
16       By Mr. Lundrigan:	4

17  
 18                               - - -

19 <u>Hook Exhibit</u>	<u>Page Identified</u>
20           No. 1	14
No. 2	53
21           No. 3	67
No. 4	72
22           No. 5	120
No. 6	123
23           No. 7	125
No. 8	127
24           No. 9	129

1 LARRY HOOK,  
2 of lawful age, the Defendant herein, having  
3 been first duly cautioned and sworn, as  
4 hereinafter certified, was examined and  
5 testified as follows:

6 CROSS-EXAMINATION

10:06:08 7 BY MR. LUNDRIGAN:

10:06:08 8 Q. Good morning, Mr. Hook. My name  
10:06:11 9 is Kelly Lundrigan; I represent the plaintiffs  
10:06:14 10 in the lawsuit that we're here about this  
10:06:16 11 morning. Have you ever been deposed before?

10:06:18 12 A. No.

10:06:19 13 Q. Okay. Well, I will give you the  
10:06:23 14 full spiel then. You're here today as if you  
10:06:28 15 were in court and sworn to tell the truth. The  
10:06:32 16 court reporter is going to take down the  
10:06:33 17 questions that I ask verbatim. She's going to  
10:06:37 18 take down your responses verbatim. If we don't  
10:06:42 19 talk over each other that makes it easier for  
10:06:44 20 her to do that. I know it's normal human  
10:06:47 21 conversation to, you know, kind of anticipate  
10:06:51 22 what somebody is asking, but try to wait until  
10:06:54 23 I finish my question and I'll try to wait until  
10:06:58 24 you finish your answer before I ask the next

10:07:00 1 question.

10:07:01 2                   And if you need a break at any  
10:07:03 3 point, just let me know that. This isn't an  
10:07:06 4 endurance test and you can take a break, the  
10:07:09 5 only thing I ask is that we not do it in the  
10:07:13 6 middle of a question. And because this case  
10:07:19 7 has a history that is a little different than  
10:07:23 8 most of the ones that I deal with, I'm going to  
10:07:25 9 make a little preamble statement up front.  
10:07:29 10 This is a court proceeding. I know emotions  
10:07:34 11 have been running high with some folks in this  
10:07:38 12 case. This is going to be a very respectful  
10:07:41 13 proceeding and nobody is going to be calling  
10:07:46 14 anybody any names. There's not going to be any  
10:07:50 15 yelling, you know, no accusations are going to  
10:07:55 16 be thrown around. My goal here is to try to  
10:07:58 17 get to an understanding of what the district's  
10:08:02 18 position is in this case so that we can, you  
10:08:05 19 know, reach some kind of resolution of this  
10:08:08 20 case, either through a trial over a motion or  
10:08:10 21 otherwise if we can do that, but I need to know  
10:08:15 22 the facts and the reasoning that's behind the  
10:08:21 23 district's position so that we can find out  
10:08:26 24 where we differ and where we don't. Does that

10:08:31 1 make sense?

10:08:31 2 A. Mm-hmm.

3 MR. WHARTON: You have to say yes  
4 or no instead of "mm-hmm" or "hmm-hmm".

5 A. Yes. Okay.

6 MR. WHARTON: Right out of the  
7 gate.

8 BY MR. LUNDRIGAN:

9 Q. That was next.

10:08:43 10 A. You can throw something at me.

10:08:45 11 Q. And she'll remind you. So if you  
10:08:48 12 don't understand a question that I ask you,  
10:08:52 13 stop me and I'll rephrase it so that I know  
10:08:56 14 we're on the same page about what is being  
10:08:59 15 asked. And if I don't understand one of your  
10:09:01 16 answers, I'm sure I'll tell you that and we can  
10:09:05 17 try to figure out where we're both coming from.

10:09:08 18 Did you do anything to prepare for  
10:09:10 19 your deposition today?

10:09:11 20 A. Just met with Bernie.

10:09:15 21 Q. Did you review any documents at  
10:09:17 22 all?

10:09:18 23 A. No.

10:09:32 24 Q. Can you tell me what your home

10:09:36 1 address is? And, actually, why don't we go off  
10:09:38 2 the record for a few minutes so I can get some  
10:09:42 3 personal information from Mr. Hook.

10:09:42 4 (Off the record.)

10:10:41 5 BY MR. LUNDRIGAN:

10:10:41 6 Q. Can you give us an idea of what  
10:10:48 7 your educational history is?

10:10:51 8 A. Yes. I have a bachelor's degree  
10:10:56 9 from Central University of Iowa, in Pella,  
10:11:02 10 Iowa. It's in biology and physical education,  
10:11:08 11 minor and major. Then I've got my graduate  
10:11:13 12 degree from Xavier University in education  
10:11:18 13 administration, as well as my superintendent's  
10:11:22 14 licensure in education there.

10:11:26 15 Q. What year was that?

10:11:30 16 MR. WHARTON: For which one?

10:11:31 17 Q. XU?

10:11:34 18 A. '94.

10:11:35 19 Q. Did you get those both at the same  
10:11:37 20 time?

10:11:37 21 A. Oh, no. No.

10:11:39 22 Q. Okay. How about the educational  
10:11:41 23 administration?

10:11:42 24 A. That's what I got at Xavier in

10:11:42 1 '94.

10:11:48 2 Q. And when you say your  
10:11:51 3 superintendent's certification, what --

10:11:52 4 A. Licensure.

10:11:53 5 Q. Okay. When was that?

10:11:54 6 A. '94 was when I completed that.

10:11:57 7 Q. Okay. That was Ohio, right?

10:11:59 8 A. Correct.

10:11:59 9 Q. No other states that you've had  
10:12:02 10 licensure in?

10:12:04 11 A. Iowa.

10:12:05 12 Q. When was that?

10:12:06 13 A. But that was for teaching. I  
10:12:09 14 didn't have my administrative licensure until I  
10:12:13 15 moved out here.

10:12:14 16 Q. Where did you teach in Iowa?

10:12:18 17 A. I taught at Radcliffe Community  
10:12:22 18 School when I first graduated and then I  
10:12:26 19 coached and taught at various colleges and  
10:12:30 20 universities for probably 11 to 12 years.

10:12:35 21 Q. What kind of sport did you coach?

10:12:38 22 A. Football.

10:12:41 23 Q. Football.

10:12:42 24 A. And track, but mainly football.



10:12:50 1 Q. Were you ever terminated from any  
10:12:52 2 university or college or teaching position?

10:12:58 3 A. Well, in college, yes. That's  
10:13:03 4 because if you don't win, as an assistant  
10:13:06 5 everybody goes when the head guy goes so.

10:13:10 6 Q. Got it. That was an assistant  
10:13:13 7 coach?

10:13:13 8 A. Yes. I was assistant coach.

10:13:23 9 Q. And you were superintendent in  
10:13:27 10 Springboro; is that correct?

10:13:29 11 A. Springboro, yes.

10:13:32 12 Q. And when did that start?

10:13:34 13 A. Two years prior to here, so it  
10:13:37 14 would have started in August of '20.

10:13:46 15 Q. How long was your contract with  
10:13:49 16 Springboro?

10:13:51 17 A. It was two years and then they  
10:13:53 18 extended it another year.

10:13:58 19 Q. And was the reason you left to  
10:14:01 20 pursue the opportunity at Forest Hills?

10:14:05 21 A. Yes.

10:14:08 22 Q. You weren't terminated by  
10:14:16 23 Springboro?

10:14:19 24 A. No.

10:14:20 1 Q. Some more background. Do you have  
10:14:22 2 a cell phone?

10:14:23 3 A. Yes.

10:14:24 4 Q. And did your cell phone change  
10:14:27 5 when you became superintendent here?

10:14:32 6 MR. WHARTON: Do you mean his cell  
10:14:34 7 phone number or --

10:14:34 8 BY MR. LUNDRIGAN:

10:14:34 9 Q. Do you have the same cell phone  
10:14:37 10 now that you had when you were at Springboro as  
10:14:42 11 superintendent there?

10:14:43 12 A. Yeah. It's physically the same  
10:14:46 13 phone and the number. It's changed in terms of  
10:14:50 14 that district paid for my cellular service.  
10:14:58 15 Here it's a reimbursement, so I put it into my  
10:15:02 16 personal and then they reimburse.

10:15:04 17 Q. Forest Hills reimbursing you now?

10:15:07 18 A. Yes. Twice a year for having a  
10:15:09 19 phone.

10:15:09 20 Q. And what carrier are you using  
10:15:12 21 here for your cell phone?

10:15:13 22 A. Verizon.

10:15:16 23 Q. What carrier did you use or what  
10:15:19 24 carrier did the school district use when were

10:15:23 1 you in Springboro?

10:15:25 2 A. Verizon.

10:15:26 3 Q. But your number did not change?

10:15:27 4 A. No. No.

10:15:27 5 Q. It did not?

10:15:28 6 A. Same number I've had for years.

10:15:32 7 Q. Could we go off the record again  
10:15:34 8 for a minute.

10:15:34 9 (Discussion off the record.)

10:16:15 10 BY MR. LUNDRIGAN:

10:16:15 11 Q. Do you use, other than text  
10:16:18 12 messages that you send on your phone, do you  
10:16:21 13 have any other programs that you send text or  
10:16:26 14 chat messages through on a laptop or anything  
10:16:29 15 like that?

10:16:30 16 A. WhatsApp, I think is the one that  
10:16:41 17 my college reunion committee used so I had to  
10:16:47 18 learn that this summer.

10:16:48 19 Q. You're ahead of me then.

10:16:51 20 A. That's the only one I've ever  
10:16:53 21 used.

10:16:54 22 Q. You guys don't use Teams through  
10:16:57 23 the Forest Hills School District?

10:17:00 24 A. No. No.

10:17:01 1 Q. Any other type of instant  
10:17:04 2 messaging?

10:17:05 3 A. No. Not that I am aware of. Just  
10:17:14 4 email, text. That's about all I use.

10:17:18 5 Q. Do you have a Facebook account?

10:17:20 6 A. I have a personal one.

10:17:25 7 Q. Any other social media accounts  
10:17:29 8 that you have other than the WhatsApp and the  
10:17:36 9 Facebook account?

10:17:37 10 A. I think Instagram that I rarely  
10:17:42 11 look at it, other than to keep track of what my  
10:17:46 12 daughter is doing.

10:17:47 13 Q. And you do have a LinkedIn  
10:17:51 14 account; is that correct?

10:17:51 15 A. Yes. Sorry, I just don't look at  
10:17:54 16 it very often.

10:17:54 17 Q. No. That's okay. This stuff is  
10:17:57 18 all part of the discovery that lawyers do  
10:18:00 19 anymore and if I don't ask the questions, I'm  
10:18:04 20 being negligent so.

10:18:09 21 And do you have a personal email  
10:18:11 22 address that you use?

10:18:12 23 A. Yes.

10:18:13 24 Q. Could we go off the record, again,

10:18:16 1 for a second, Cindy?

10:18:16 2 (Off the record.)

10:19:15 3 BY MR. LUNDRIGAN:

10:19:15 4 Q. Has anybody asked you to search  
10:19:21 5 your cell phone or has anybody searched your  
10:19:25 6 cell phone or inspected your cell phone for  
10:19:28 7 text messages that would be responsive to any  
10:19:31 8 public records request that were sent to the  
10:19:34 9 Forest Hills School District?

10:19:37 10 A. Nobody has searched it. I think  
10:19:41 11 I've been asked do you have any record of -- I  
10:19:46 12 can't tell you the specifics, but I don't do  
10:19:50 13 much with it so.

10:19:51 14 Q. Who asked you to do that?

10:19:55 15 A. Usually, Josh Bazan is our -- he's  
10:20:00 16 our communications coordinator and kind of  
10:20:04 17 takes the lead on our public records.

10:20:06 18 Q. Were there any text messages that  
10:20:09 19 were responsive to any public records request  
10:20:12 20 that you've produced so far?

10:20:14 21 A. There were none that I had.

10:20:25 22 Q. We're going to be talking about  
10:20:28 23 the kindness resolution, that's what I am going  
10:20:31 24 to call it for short today, and I want to make

10:20:34 1 sure that we're on the same page as to what  
10:20:38 2 we're talking about when we refer to that. Can  
10:20:38 3 you mark that as Hook No. 1.

10:20:38 4 (Exhibit No. 1 was marked for identification.)

10:20:38 5 BY MR. LUNDRIGAN:

10:21:05 6 Do you recognize what is in front  
10:21:06 7 of you as the resolution to create a culture of  
10:21:12 8 kindness and equal opportunity for all students  
10:21:15 9 and staff that was passed by the board in this  
10:21:29 10 case?

10:21:29 11 A. Yes.

10:21:29 12 Q. And if you turn to the last page  
10:21:32 13 of Exhibit 1, do you see there is a signature  
10:21:36 14 there for the superintendent?

10:21:39 15 A. Mm-hmm.

10:21:41 16 Q. Now, this was actually -- the  
10:21:44 17 kindness resolution was passed prior to your  
10:21:48 18 becoming superintendent, correct?

10:21:49 19 A. Correct.

10:21:50 20 Q. Have you ever seen a version of  
10:21:52 21 this resolution which was signed by the former  
10:21:56 22 superintendent?

10:21:58 23 A. No.

10:21:59 24 Q. Do you know why it was not signed?

10:22:06 1 A. No, I really don't, other than --  
10:22:11 2 I don't know when he left, so I would not have  
10:22:15 3 knowledge of why that --

10:22:16 4 Q. Have you ever been asked to sign  
10:22:18 5 the resolution?

10:22:23 6 A. I have not.

10:22:30 7 Q. And your first day of employment  
10:22:32 8 with Forest Hills was 8/1 of '22; is that  
10:22:37 9 right?

10:22:37 10 A. Yes.

10:22:40 11 Q. When was the first time that you  
10:22:42 12 had the opportunity to speak with any of the  
10:22:45 13 current board members of Forest Hills Board of  
10:22:50 14 Education?

10:22:50 15 MR. WHARTON: Separate from the  
10:22:51 16 hiring process or once he became  
10:22:55 17 superintendent?

10:22:55 18 Q. As part of any communication that  
10:22:58 19 you had. When was the first time that you had  
10:23:01 20 the opportunity to speak to any of them?

10:23:04 21 A. Just the hiring process. I don't  
10:23:07 22 even remember the date, so it would have been  
10:23:09 23 in and around -- don't hold me to it exactly,  
10:23:18 24 the first part of June.

10:23:20 1 Q. Of 2022?

10:23:23 2 A. Yes.

10:23:24 3 Q. So is it fair to say that prior to  
10:23:29 4 the selection process to replace Scott Prebles  
10:23:34 5 as the superintendent, you didn't know any of  
10:23:38 6 the current board members and had never talked  
10:23:41 7 to them?

10:23:42 8 A. No. Other than just the hiring  
10:23:44 9 process.

10:23:47 10 Q. When did you first find out about  
10:23:50 11 the kindness resolution and that it would be  
10:23:53 12 put on the agenda for the board and voted on?

10:24:00 13 A. I didn't know prior. I wasn't the  
10:24:03 14 superintendent. I was in the middle of, I  
10:24:08 15 believe, the first round and second rounds of  
10:24:11 16 interviews. It happened prior to the second  
10:24:15 17 round interviews, so I think I became aware of  
10:24:18 18 it with the news article.

10:24:21 19 Q. That was my next questions. Did  
10:24:23 20 you find out about it from the news?

10:24:25 21 A. That's where I first heard about  
10:24:28 22 it.

10:24:29 23 Q. How many meetings with the Forest  
10:24:34 24 Hills Board of Education did you have as part



10:24:37 1 of the hiring process?

10:24:41 2 MR. WHARTON: And just so we're  
10:24:43 3 clear, when you say with the board, do you mean  
10:24:46 4 the board as an entity or any board member?

10:24:50 5 Q. Let's keep it as an entity for the  
10:24:54 6 time being.

10:24:55 7 A. I think it was down to two times.  
10:24:59 8 Twice.

10:25:00 9 Q. And on those two occasions when  
10:25:02 10 you met with the board as an entity, were those  
10:25:07 11 also the occasions that there were members of  
10:25:10 12 the public who were present at either those  
10:25:14 13 meetings or subsequent to those meetings  
10:25:17 14 directly afterwards to discuss questions with  
10:25:21 15 you about the selection process?

10:25:25 16 A. Can you clarify that?

10:25:28 17 Q. Yes. That was kind of a messy  
10:25:29 18 question. There were members of the public  
10:25:30 19 that were selected to participate in the  
10:25:33 20 process of hiring you. Do you remember that?

10:25:38 21 A. Yes, there was.

10:25:40 22 Q. And were those discussions with  
10:25:43 23 those community members, did those happen on  
10:25:48 24 the same days that you had these two meetings

10:25:51 1 with the board of education as an entity?

10:25:57 2 A. Yes. It was one of them.

10:25:58 3 Q. Did you ever meet with the folks  
10:26:01 4 who were community members who were part of the  
10:26:05 5 process separate from those two meetings that  
10:26:08 6 you've identified?

10:26:10 7 A. No.

10:26:11 8 Q. And did you ever have  
10:26:13 9 conversations with them by telephone, email or  
10:26:16 10 otherwise, other than the conversations that  
10:26:19 11 you had during those two meetings?

10:26:24 12 A. No. Do you mean subsequently now?  
10:26:28 13 Up till now?

10:26:29 14 Q. No. I mean during the selection  
10:26:31 15 process.

10:26:32 16 A. No.

10:26:32 17 Q. Thank you. Same question with  
10:26:35 18 regard to the board members individually, other  
10:26:38 19 than the two meetings that you've identified  
10:26:42 20 that were with the board as an entity, did you  
10:26:45 21 have individual meetings with one or more board  
10:26:49 22 members outside of those two meetings?

10:26:51 23 A. Yes.

10:26:52 24 Q. And do you recall when those were?

10:26:55 1 A. Probably a week before the first  
10:27:01 2 round I was asked if I would be interested in  
10:27:09 3 meeting with the president and vice president.  
10:27:12 4 I had not decided for sure whether I was  
10:27:19 5 interested or not at that point in time, so I  
10:27:24 6 met for a cup of coffee and Keith Kelly, one of  
10:27:31 7 the search firms people were there and it was  
10:27:35 8 just a casual conversation and --

10:27:38 9 Q. Can you tell me the name of that  
10:27:41 10 search firm again?

10:27:42 11 A. I believe it's K12 is what it's  
10:27:45 12 called.

10:27:49 13 Q. And that was the firm used by the  
10:27:52 14 district?

10:27:53 15 A. By the district in the  
10:27:55 16 superintendent search.

10:27:56 17 Q. And who approached you about this  
10:27:59 18 meeting?

10:28:00 19 A. Initially, Frank Forsthofel.  
10:28:07 20 Don't ask me how to spell it. I don't have a  
10:28:13 21 clue.

10:28:13 22 Q. And where did you -- I take it  
10:28:16 23 that you took him up on the offer?

10:28:18 24 A. Yes.

10:28:18 1 Q. And where did you meet with the  
10:28:21 2 president and the vice president of the board?  
10:28:22 3 A. Bob Evans.  
10:28:24 4 Q. On Beechmont?  
10:28:27 5 A. Off of Pfeiffer, I believe.  
10:28:30 6 Q. Can you tell us what the  
10:28:32 7 discussion was that you had with them, to the  
10:28:34 8 best of your recollection? And first of all,  
10:28:37 9 can you identify who the president and vice  
10:28:40 10 president were?  
10:28:41 11 A. Linda Hausfeld and Bob Bibb.  
10:28:51 12 Q. Linda is the president?  
10:28:53 13 A. Yes.  
10:28:54 14 Q. And Bob is the vice president?  
10:28:56 15 A. Yes.  
10:28:56 16 Q. And can you tell us what you guys  
10:29:00 17 discussed at the Bob Evans on Pfeiffer?  
10:29:04 18 A. It was -- boy, I can't really  
10:29:08 19 recollect all of the specifics. It was more  
10:29:11 20 just kind of tell us about yourself and, you  
10:29:15 21 know, and would you be interested in Forest  
10:29:19 22 Hills. Do you know anything about Forest  
10:29:21 23 Hills? Which I did so.  
10:29:23 24 Q. What did you know about Forest

10:29:25 1 Hills at that point?

10:29:26 2 A. Other than I knew about the  
10:29:28 3 district because I was, for about 12 years at  
10:29:33 4 Milford as a teacher, coach, high school  
10:29:38 5 principal, so I was very aware of the district,  
10:29:44 6 and that's really about what I shared. And I  
10:29:46 7 shared what I had been doing at Springboro and  
10:29:49 8 what I had done at Carlisle.

10:29:55 9 Q. What was the Carlisle position?

10:29:59 10 A. I was superintendent there for ten  
10:30:01 11 years.

10:30:01 12 Q. Where is that?

10:30:02 13 A. Carlisle is in the northwest  
10:30:06 14 corner of Warren County.

10:30:08 15 Q. What time frame were you  
10:30:11 16 superintendent at Carlisle?

10:30:13 17 A. 2010 through July of '20, ten  
10:30:24 18 years.

10:30:25 19 Q. And what were the circumstances of  
10:30:29 20 you leaving Carlisle?

10:30:30 21 A. I got a call from the board  
10:30:33 22 president at Springboro, which is where I live.  
10:30:38 23 I had been assistant superintendent prior to  
10:30:41 24 going to Carlisle there and so he knew me.

10:30:44 1 They wanted an experienced superintendent and  
10:30:47 2 asked if I would come over and talk to him and  
10:30:50 3 the board and it just -- and within two weeks I  
10:30:59 4 was going there so.

10:31:01 5 Q. When you met with Bob Bibb and  
10:31:04 6 Linda Hausfeld at Bob Evans, did they talk to  
10:31:10 7 you about any agenda that they had for the  
10:31:13 8 district?

10:31:14 9 A. No. They didn't really talk a  
10:31:16 10 lot. It was more I was just letting them know  
10:31:21 11 who I was.

10:31:24 12 Q. Did you do any research on  
10:31:28 13 Ms. Hausfeld and Mr. Bibb before you had  
10:31:30 14 breakfast with them or coffee?

10:31:33 15 A. Just trying to get a picture of  
10:31:37 16 them so I knew who I was looking for.

10:31:40 17 Q. Did you look at their campaign web  
10:31:43 18 pages?

10:31:43 19 A. No.

10:31:43 20 Q. Were you aware when you had coffee  
10:31:45 21 with them that they were trying to prevent CRT  
10:31:52 22 from being taught in Forest Hills Schools?

10:31:57 23 MR. WHARTON: Objection. Go ahead  
10:31:58 24 and answer.

10:31:58 1 A. No. What did you say?

10:32:01 2 MR. WHARTON: I just made an  
10:32:02 3 objection to that. You can go ahead and answer  
10:32:03 4 that.

10:32:03 5 A. No.

10:32:04 6 BY MR. LUNDRIGAN:

10:32:04 7 Q. Were you aware of any specific  
10:32:06 8 agenda that they had run on for school board?

10:32:11 9 A. No.

10:32:11 10 Q. Were you aware that they were  
10:32:14 11 newly -- they were the newest members of the  
10:32:20 12 board?

10:32:20 13 A. Yes. And I believe Frank shared  
10:32:23 14 that with me.

10:32:24 15 Q. Do you know why Frank suggested  
10:32:26 16 coffee with Linda and Bob rather than anybody  
10:32:31 17 else from the board?

10:32:36 18 A. No. Other than they were the  
10:32:40 19 leadership of the board and that's an  
10:32:43 20 assumption. Sorry.

10:32:44 21 Q. No, that's okay. And by the way,  
10:32:52 22 when I ask you questions today, if you don't  
10:32:56 23 have personal knowledge of anything that I ask  
10:32:59 24 you, you can say that, but what I'm looking for

10:33:02 1 is any knowledge that you have at all. For  
10:33:05 2 example, hearsay, that you might have heard  
10:33:08 3 from somebody else, even if it's second- or  
10:33:11 4 thirdhand, anything like that is fair game when  
10:33:16 5 we're doing discovery. It may not be at trial,  
10:33:19 6 but it is for discovery purposes. So if you  
10:33:23 7 know something other than what's in your  
10:33:25 8 personal observations, you can tell us that.

10:33:28 9 Did you ever meet with the other  
10:33:31 10 members of the board other than Linda and Bob  
10:33:35 11 separate from these two formal meetings that  
10:33:39 12 you had with the board as an entity?

10:33:42 13 MR. WHARTON: Prior to his being  
10:33:43 14 hired?

10:33:44 15 Q. Correct.

10:33:44 16 A. No.

10:33:45 17 Q. Did you ever have other meetings  
10:33:49 18 with Linda and Bob?

10:33:51 19 A. No.

10:33:52 20 Q. I take it it would have been the  
10:34:11 21 second meeting that you had with the board as  
10:34:15 22 an entity at which the kindness resolution was  
10:34:22 23 discussed; is that correct, or was it the  
10:34:25 24 first?



10:34:29 1 A. Well, first of all, it was never  
10:34:32 2 discussed. I just heard about it prior to the  
10:34:37 3 second -- the finalist meeting.

10:34:45 4 Q. And that was through the news?

10:34:47 5 A. Through the news.

10:34:49 6 Q. Did you ever discuss the kindness  
10:34:53 7 resolution with any of the board members  
10:34:57 8 individually? Not at the two formal meetings,  
10:35:02 9 but in any individual setting, either in  
10:35:06 10 person, telephone or email, did you ever  
10:35:09 11 discuss the resolution with any of them prior  
10:35:13 12 to being hired?

10:35:14 13 A. No.

10:35:15 14 Q. How about the community members  
10:35:18 15 who interviewed you as part of the selection  
10:35:21 16 process, did they ever bring it up?

10:35:27 17 A. I do believe so. I can't remember  
10:35:30 18 exactly how it was phrased because I think it  
10:35:35 19 had just happened the day before, if I'm not  
10:35:40 20 mistaken.

10:35:42 21 Q. And had you even had a chance to  
10:35:45 22 read the resolution when you were asked about  
10:35:48 23 it by the community members on the panel?

10:35:54 24 A. Just what I had heard on the news

10:35:57 1 and read. I think they had sent an article of  
10:36:01 2 it.

10:36:07 3 Q. Do you remember during your  
10:36:08 4 interview with the board that there were  
10:36:12 5 protesters outside the district office when you  
10:36:18 6 showed up to be interviewed?

10:36:20 7 A. Yes.

10:36:21 8 Q. Did you understand they were  
10:36:24 9 protesting the resolution?

10:36:27 10 A. Yes, I think so. Let me back up.  
10:36:34 11 I'm trying to -- I can't remember exactly what  
10:36:38 12 was said. They had us go to the back door to  
10:36:42 13 come in so I just heard a lot of commotion. My  
10:36:47 14 assumption was that was what it is.

10:36:49 15 MR. WHARTON: Don't assume, just  
10:36:51 16 tell him what you know.

10:36:52 17 A. Okay.

10:36:57 18 BY MR. LUNDRIGAN:

10:36:57 19 Q. Do you remember what it was you  
10:36:59 20 were asked by the community members on the  
10:37:03 21 panel about the resolution?

10:37:05 22 A. I believe the question -- I can't  
10:37:12 23 remember it exactly, but it was something to  
10:37:16 24 the effect of, do you -- what was my feeling on

10:37:23 1 it. And my response was -- I don't even know  
10:37:28 2 if you want my response.

10:37:30 3 Q. If you gave them a response and  
10:37:33 4 you can remember what it was, yes.

10:37:36 5 A. I think my response was something  
10:37:39 6 to the effect of that was a board resolution, I  
10:37:48 7 wasn't here. I don't have any background  
10:37:52 8 knowledge of it so --

10:37:55 9 Q. Is it fair to say that you were  
10:37:57 10 not able to give a substantive response at that  
10:38:01 11 point because you were not familiar enough with  
10:38:01 12 it?

10:38:04 13 A. Correct.

10:38:04 14 Q. Thank you. You're familiar with  
10:38:13 15 it now?

10:38:14 16 A. Well, I've read it, but I haven't  
10:38:19 17 memorized it or anything.

10:38:20 18 Q. Have you considered -- well, let  
10:38:24 19 me back up. Prior to accepting the offer of  
10:38:28 20 employment with Forest Hills as its  
10:38:30 21 superintendent, did you consider the resolution  
10:38:33 22 as part of that process? Did it make a  
10:38:37 23 difference to you?

10:38:55 24 A. Did it make a difference? It made

10:38:59 1 me pause, you know, but again, the reason I  
10:39:10 2 accepted the job is I just felt that I could  
10:39:13 3 help Forest Hills be a better district, period.

10:39:17 4 Q. And did you have any experience  
10:39:19 5 with similar types of resolutions being  
10:39:23 6 proposed at Springdale or Carlisle?

10:39:26 7 MS. LUNDRIGAN: Springboro.

10:39:29 8 Q. I'm sorry, Springboro or Carlisle.

10:39:32 9 A. We never had a board resolution.

10:39:34 10 Q. Were the same types of issues  
10:39:36 11 surrounding Critical Race Theory,  
10:39:41 12 intersectionality, were those all being  
10:39:42 13 discussed at those districts as well?

10:39:44 14 A. Oh, yeah. I think it was pretty  
10:39:46 15 much across the --

10:39:47 16 Q. Is it fair to say that it's a  
10:39:49 17 topic in most school districts right now; is  
10:39:52 18 that true?

10:39:53 19 A. Yeah.

10:39:54 20 Q. So it would have been something --  
10:39:59 21 was it your belief that it was something --  
10:40:01 22 that kind of controversy is something you were  
10:40:06 23 going to have to deal with wherever you might  
10:40:08 24 go?

10:40:08 1 A. Oh, yeah.

10:40:09 2 Q. Fair enough. Did you consider it  
10:40:14 3 from the standpoint -- prior to being hired,  
10:40:17 4 did you consider it from the standpoint of --  
10:40:20 5 do you know what, strike that. Let me ask a  
10:40:23 6 foundational question first.

10:40:25 7 Do you agree with me that, in  
10:40:27 8 general, with regard to Forest Hills School  
10:40:30 9 District and all the other independent school  
10:40:32 10 districts across the state of Ohio, that as a  
10:40:37 11 general proposition, it is the board's  
10:40:42 12 responsibility to make policy for a school  
10:40:44 13 district and it is your job as superintendent  
10:40:47 14 to implement that policy?

10:40:49 15 MR. WHARTON: Objection. Go ahead  
10:40:53 16 and answer.

10:40:53 17 A. Yes. Any policy.

10:40:56 18 BY MR. LUNDRIGAN:

10:40:56 19 Q. Okay. You don't make the policies  
10:41:00 20 for the district, you let the board decide on  
10:41:03 21 the policies and you have to implement them; is  
10:41:07 22 that right?

10:41:07 23 A. No. Typically policies -- there  
10:41:13 24 is an organization called Neola, which is one

10:41:17 1 of the major policy producers for schools in  
10:41:23 2 Ohio, Michigan and the other one is OSBA, but  
10:41:30 3 predominantly Neola is the largest one. Twice  
10:41:34 4 a year, you know, their team of lawyers are  
10:41:38 5 taking law, putting it into policy and then we  
10:41:43 6 meet with them, we review it as an  
10:41:46 7 administrative staff. It goes through a couple  
10:41:50 8 of readings at the board level. They certainly  
10:41:53 9 can have input between first readings and  
10:41:56 10 second readings, but we also have a board  
10:41:59 11 member that's on that committee that rotates  
10:42:03 12 around at different times. So that's typically  
10:42:08 13 how it comes. Most of them are pretty much a  
10:42:11 14 boilerplate type of policy. There could be  
10:42:16 15 some changes, but by and large the suggestions  
10:42:22 16 would come from me then, or through Neola. But  
10:42:27 17 it can, I mean, it could come from another  
10:42:32 18 direction, you know, from the board to say,  
10:42:34 19 make a policy and review.

10:42:37 20 Q. Did you say that's Meola or Neola?

10:42:42 21 A. Neola.

10:42:45 22 Q. And do you know what that acronym  
10:42:48 23 stands for? National Educational --

10:42:52 24 A. Don't know.

10:42:53 1 Q. Like most acronyms we use.

10:42:58 2 A. I don't know.

10:42:58 3 Q. But these policies that Neola puts  
10:43:01 4 out there, they put them out in electronic form  
10:43:04 5 and the school districts can subscribe and  
10:43:07 6 adopt them?

10:43:09 7 A. Yes. You have to subscribe. But  
10:43:16 8 they have a -- typically, it's a former  
10:43:18 9 superintendent or somebody that works as a  
10:43:21 10 representative that comes in and meets with you  
10:43:23 11 and goes through all of the policies to be  
10:43:25 12 reviewed twice a year, typically.

10:43:31 13 Q. And I noticed in your affidavit  
10:43:33 14 that you indicated you were familiar with  
10:43:35 15 Forest Hills School District's policies in its  
10:43:39 16 manual. Is that because they were similar or  
10:43:42 17 identical to what you had worked with in  
10:43:45 18 Springboro?

10:43:46 19 A. Similar, yes. We also use Neola  
10:43:50 20 there.

10:43:50 21 Q. Do you know whether or not  
10:43:52 22 Springboro, when it adopted the most recent set  
10:43:58 23 of policies promulgated by Neola, modified any  
10:44:05 24 of those?

10:44:07 1 A. Which ones? Which specifically or  
10:44:13 2 any or just in general?

10:44:14 3 Q. Any of them or did they just adopt  
10:44:17 4 them wholesale?

10:44:18 5 A. No. Most updates are pretty much  
10:44:21 6 standardized with any group, public school  
10:44:26 7 that's using Neola. They'll come in with those  
10:44:30 8 updates based on changes in law so that your  
10:44:34 9 board policy falls in line with it.

10:44:37 10 Q. And they are pretty standardized,  
10:44:42 11 right, so that any district can adopt them and  
10:44:45 12 they're going to apply?

10:44:47 13 A. Pretty much so. But they're  
10:44:50 14 always -- you know, a lot of times there's  
10:44:52 15 options that fit your specific school or that  
10:45:00 16 also fall in line legally.

10:45:02 17 Q. Do you know whether or not Forest  
10:45:07 18 Hills adopted the Neola, the most recent Neola  
10:45:13 19 promulgated standards in their entirety or  
10:45:17 20 whether or not they modified any of them?

10:45:20 21 A. We had a second reading last night  
10:45:22 22 of the fall updates, so, yeah, there's a couple  
10:45:32 23 of dozen different ones.

10:45:35 24 Q. That were changed?



10:45:36 1 A. Adjusted or brought up to speed  
10:45:39 2 legally. A lot of them are just wordsmithing  
10:45:43 3 too. It's not, like, big wholesale changes.

10:45:50 4 Q. Do you remember what any of the  
10:45:52 5 modifications were, off the top of your head,  
10:45:55 6 that were made last night?

10:45:57 7 A. Not really, except, you know,  
10:46:01 8 obviously if there's one that's particularly  
10:46:06 9 interesting or controversial, which this one  
10:46:13 10 was the weapons that fall in line with the law  
10:46:19 11 of allowing school districts to decide whether  
10:46:23 12 to arm staff. We elected no, that's not an  
10:46:30 13 option for us.

10:46:30 14 Q. Okay.

10:46:32 15 A. And I'm sure there are districts  
10:46:34 16 that do, but there's -- that's an example of  
10:46:40 17 where it's adjusted towards the district.

10:46:43 18 Q. Once the board had heard the  
10:46:47 19 second reading and any changes that were going  
10:46:51 20 to be made that were proposed or were on the  
10:46:56 21 floor, how are the standards adopted at that  
10:47:01 22 point?

10:47:01 23 A. After the second reading then we  
10:47:06 24 notify Neola that those were all approved, the

10:47:13 1 changes that we had in them and then it's  
10:47:17 2 uploaded into our board docs, which is an  
10:47:20 3 electronic version and that's where the public  
10:47:25 4 can access it, the most up-to-date policies.  
10:47:31 5 There's a little bit of a lag from them  
10:47:34 6 uploading it.

10:47:35 7 Q. Does the board promulgate a  
10:47:38 8 written resolution adopting the standards that  
10:47:44 9 evidences the vote that they took?

10:47:46 10 A. They just vote. Other than the  
10:47:49 11 vote to approve.

10:47:53 12 Q. So the minutes of the meeting that  
10:47:56 13 show the vote?

10:47:57 14 A. Yes.

10:47:57 15 Q. In favor, the majority favor,  
10:48:01 16 those are the evidence of what the action of  
10:48:03 17 the board was?

10:48:04 18 A. Correct.

10:48:22 19 Q. Did you ever speak with Scott  
10:48:26 20 Prebles prior to being hired by Forest Hills?

10:48:28 21 A. No.

10:48:30 22 Q. Did you ever have any  
10:48:41 23 conversations with any board members at Forest  
10:48:45 24 Hills about Mr. Prebles prior to being hired?

10:48:50 1 A. No.

10:48:54 2 Q. Did any board member ever ask you  
10:48:57 3 if you would be willing to enforce the kindness  
10:49:01 4 resolution prior to you being hired at Forest  
10:49:04 5 Hills?

10:49:04 6 A. No.

10:49:04 7 Q. After review of it and being  
10:49:07 8 familiar with it now, would you enforce it if,  
10:49:12 9 in fact, there were not a stipulation in place  
10:49:16 10 saying that it isn't going to be enforced  
10:49:19 11 during the litigation?

10:49:20 12 MR. WHARTON: Objection. Answer  
10:49:22 13 if you can. The question enforcing this  
10:49:28 14 resolution is something that hasn't been  
10:49:31 15 fleshed out here yet.

10:49:32 16 A. Well, based on what I've read,  
10:49:37 17 there's no directive to do so. Resolutions can  
10:49:42 18 be directive in nature, resolution to go on a  
10:49:50 19 ballot then direct a treasure to work through,  
10:49:55 20 you know; some resolutions are simply  
10:50:03 21 statements for what reason could be a statement  
10:50:10 22 of position. I've been a part of resolutions  
10:50:14 23 that we've sent to legislators saying we don't  
10:50:18 24 like this law. Other than that, it's just --

10:50:23 1 so as I look at this resolution, to me it's --  
10:50:30 2 there is no directive to, you know, create  
10:50:35 3 policy or do anything, so it's -- I haven't  
10:50:39 4 looked at it, to be honest with you since --  
10:50:42 5 BY MR. LUNDRIGAN:

10:50:42 6 Q. I'm sorry, I don't want to cut you  
10:50:44 7 off.

10:50:44 8 A. To be honest with you, I have not  
10:50:47 9 looked at this since going back to the hiring,  
10:50:54 10 my hiring.

10:50:55 11 Q. Do you have an understanding of  
10:51:00 12 the fact that school boards, this school board  
10:51:03 13 in particular, Forest Hills, is a corporation  
10:51:10 14 under Ohio law?

10:51:14 15 A. I guess I don't understand what  
10:51:15 16 you're saying here.

10:51:16 17 Q. Do you understand that the Forest  
10:51:20 18 Hills School District, the board is a  
10:51:21 19 corporation, they act as a corporation and they  
10:51:28 20 have bylaws, for example?

10:51:31 21 MR. WHARTON: I'll make an  
10:51:33 22 objection. Answer if you can.

10:51:34 23 A. Well, I'm not sure what that means  
10:51:38 24 by corporation. I do know we have bylaws that

10:51:42 1 are part of our policies.

10:51:44 2 BY MR. LUNDRIGAN:

10:51:44 3 Q. What, in your understanding, is a  
10:51:51 4 resolution?

10:51:51 5 A. A resolution can be a couple of  
10:51:56 6 things. A resolution can be a statement of  
10:52:02 7 belief. As I've mentioned before, I've done a  
10:52:08 8 couple of them to -- that were approved by the  
10:52:14 9 board going typically to legislators or the  
10:52:21 10 governor or somebody expressing a view or to  
10:52:25 11 OSBA expressing a view and that's it. Others,  
10:52:30 12 resolutions are acknowledging, can be  
10:52:33 13 acknowledging somebody for doing something  
10:52:41 14 special. And then there's some that have an  
10:52:46 15 action that's required. And typically those  
10:52:50 16 are around levies, around that type of thing.

10:52:54 17 Q. Do you think a resolution that  
10:52:57 18 states a mandatory requirement or states a  
10:53:03 19 mandatory prohibition is policy when it's  
10:53:08 20 passed by the school board?

10:53:08 21 MR. WHARTON: Objection. Answer  
10:53:10 22 if you can.

10:53:10 23 A. No. I try to follow policy.  
10:53:12 24 That's what I'm required by law.

10:53:13 1 BY MR. LUNDRIGAN:

10:53:13 2 Q. And when you say policy, the  
10:53:15 3 definition that you're using here today and the  
10:53:18 4 definition that you used in your affidavit is  
10:53:21 5 how policy is defined by the policies of Forest  
10:53:26 6 Hills School District, correct?

10:53:28 7 A. The board policies, yes.

10:53:29 8 Q. Because they have a definition of  
10:53:31 9 what a policy is in the Neola policies, right?

10:53:35 10 A. Correct.

10:53:36 11 Q. Does it define what a resolution  
10:53:38 12 is?

10:53:45 13 MR. WHARTON: Do you mean it by,  
10:53:46 14 does the policies define a resolution?

10:53:48 15 Q. Correct. Is there a definition of  
10:53:52 16 resolution in the policy manual?

10:53:53 17 A. I'm not sure.

10:53:54 18 Q. So because you're not sure, you're  
10:53:58 19 not here today operating under any formal  
10:54:02 20 definition of what a resolution is because you  
10:54:05 21 don't know if it exists, correct?

10:54:09 22 MR. WHARTON: Objection. Answer  
10:54:10 23 if you can.

10:54:11 24 A. I'm operating under what I

10:54:13 1 understand resolution to be.

10:54:16 2 BY MR. LUNDRIGAN:

10:54:16 3 Q. Okay.

10:54:16 4 A. But nothing that I can recollect  
10:54:19 5 in board policy, correct.

10:54:21 6 Q. Are you given legal training on  
10:54:25 7 legal issues as part of your certification to  
10:54:28 8 be a superintendent?

10:54:30 9 A. Yes.

10:54:32 10 Q. Are you familiar with the Federal  
10:54:34 11 Law 42 USC section 1983?

10:54:39 12 A. No.

10:54:40 13 Q. Are you familiar with the fact  
10:54:41 14 that school districts and sometimes individual  
10:54:44 15 board members and superintendents are sued  
10:54:49 16 individually and as entities under federal law  
10:54:53 17 for things like race discrimination or gender  
10:54:58 18 discrimination and topics like that?

10:55:01 19 A. That I'm aware of, sure.

10:55:02 20 Q. And as part of your training, are  
10:55:05 21 you taught about the issue of what official  
10:55:07 22 policy is that fullfills the requirement for  
10:55:14 23 liability under Section 1983?

10:55:16 24 MR. WHARTON: Objection. Answer

10:55:18 1 if you can.

10:55:19 2 A. I need some more clarification on  
10:55:23 3 that.

10:55:23 4 BY MR. LUNDRIGAN:

10:55:23 5 Q. Have you read the lawsuit that's  
10:55:25 6 been filed against Forest Hills?

10:55:27 7 A. I glanced through it. Yes.

10:55:29 8 Q. Are you aware that we're alleging  
10:55:33 9 that the resolution, the kindness resolution,  
10:55:37 10 is official policy customer practice under  
10:55:41 11 Section 1983 as one of the causes of action?

10:55:46 12 A. I kind of remember that.

10:55:50 13 Q. Are you equating the definition of  
10:55:55 14 policy that you're using that's in the Forest  
10:56:00 15 Hills policy manual as being equivalent to what  
10:56:07 16 federal law means by policy practice or custom  
10:56:12 17 for which a school district can be sued under  
10:56:18 18 Section 1983?

10:56:20 19 A. I follow board policy to the best  
10:56:23 20 of my ability.

10:56:25 21 Q. That's fine. You're not a lawyer,  
10:56:28 22 right?

10:56:28 23 A. Correct.

10:56:29 24 Q. You don't know whether or not the



10:56:33 1 kindness resolution constitutes a policy  
10:56:36 2 practice or custom for purposes of 42 USC  
10:56:42 3 section 1983 one way or another; is that  
10:56:45 4 correct?

10:56:45 5 MR. WHARTON: Objection. Go ahead  
10:56:47 6 and answer.

10:56:47 7 A. No, I don't. Can you rephrase  
10:56:52 8 that?

10:56:52 9 Q. Sure. Can you read that question  
10:56:52 10 back?

10:56:52 11 (Record read by Reporter.)

10:56:53 12 BY MR. LUNDRIGAN:

10:56:53 13 Q. Let me ask it again. You don't  
10:57:49 14 know, as you sit here today, whether or not the  
10:57:51 15 kindness resolution constitutes policy custom  
10:57:57 16 usage or something that can give rise to  
10:58:00 17 liability under the federal law that we're  
10:58:03 18 suing the school district under; is that  
10:58:06 19 correct?

10:58:06 20 MR. WHARTON: Objection. Go ahead  
10:58:07 21 and answer.

10:58:07 22 A. My understanding is that is not  
10:58:09 23 policy, as I read it.

10:58:11 24 BY MR. LUNDRIGAN:

10:58:11 1 Q. And the definition that you gain  
10:58:14 2 that understanding from is the definition that  
10:58:17 3 is in the policy manual for the Forest Hills  
10:58:20 4 School District that was promulgated by Neola;  
10:58:26 5 is that right?

10:58:26 6 A. Correct.

10:58:26 7 Q. Thank you. So with regard to  
10:58:32 8 resolutions, I will tell you that I've been  
10:58:37 9 unable to find any definition of what a  
10:58:40 10 resolution is in the Forest Hill School  
10:58:42 11 District's policy manual, but I did look at the  
10:58:47 12 Merriam-Webster definition of resolution, which  
10:58:49 13 states that it's a formal expression of opinion  
10:58:52 14 which you indicated earlier, correct?

10:58:54 15 A. That's one usage, yes.

10:58:57 16 Q. Or a formal expression of will,  
10:59:01 17 would you agree with that?

10:59:04 18 A. It can be.

10:59:05 19 Q. Or a formal expression of intent  
10:59:10 20 voted by an official body or assembled group.  
10:59:16 21 Do you agree with that?

10:59:16 22 A. It can be.

10:59:17 23 Q. Do you think that the kindness  
10:59:21 24 resolution is a statement of will or intent by

10:59:25 1 the Forest Hills School District?

10:59:27 2 MR. WHARTON: Objection. Answer  
10:59:28 3 if you can.

10:59:30 4 A. I don't know what their intention  
10:59:32 5 is.

10:59:33 6 BY MR. LUNDRIGAN:

10:59:33 7 Q. You don't know, as you sit here  
10:59:37 8 today, what the intention of the board was in  
10:59:40 9 passing the kindness resolution?

10:59:43 10 A. Other than what I read there.

10:59:45 11 Q. You've never discussed it with the  
10:59:49 12 individual board members?

10:59:51 13 MR. WHARTON: I'm going to make an  
10:59:52 14 objection that any conversations involving  
10:59:56 15 board members on any of the topics asked about  
11:00:00 16 that are either involved or subject to  
11:00:03 17 attorney-client privilege you're not to answer  
11:00:04 18 about or that took place in executive session,  
11:00:06 19 you're not to answer about, but subject to  
11:00:09 20 those qualifications, you can go ahead answer  
11:00:11 21 the question.

11:00:12 22 A. No. I mean, I didn't have real  
11:00:18 23 conversations at all just --

11:00:20 24 BY MR. LUNDRIGAN:

11:00:20 1 Q. Have you had individual  
11:00:22 2 discussions with any of the board members  
11:00:24 3 outside of the scope of board meetings or  
11:00:28 4 executive session since you were hired?

11:00:32 5 MR. WHARTON: Objection. The same  
11:00:32 6 with the attorney-client privilege applying to  
11:00:35 7 those discussions, if any such did occur, but  
11:00:39 8 go ahead and answer.

11:00:40 9 A. No. I'm trying to -- let me  
11:00:45 10 think. As it relates to this?

11:00:45 11 BY MR. LUNDRIGAN:

11:00:51 12 Q. As it relates to the resolution,  
11:00:54 13 correct.

11:01:08 14 A. I think of anything that I can  
11:01:12 15 recollect, the most I've ever heard is that it  
11:01:17 16 was a statement of belief. But there's never  
11:01:24 17 been any discussions that I've had.

11:01:29 18 Q. Would you look at the resolution  
11:01:32 19 that's in front of you that's been marked as  
11:01:35 20 Exhibit 1. And would you agree with me that  
11:01:43 21 the resolution pertains to curricula?

11:01:48 22 MR. WHARTON: Objection. Answer  
11:01:49 23 if you can.

11:02:35 24 A. (Reviewing document) Other than

11:02:37 1 just what's in the very first Whereas, the  
11:02:41 2 first one is curricula.

11:02:43 3 BY MR. LUNDRIGAN:

11:02:43 4 Q. And the first Whereas statement is  
11:02:46 5 a declaration of the board's public official  
11:02:50 6 opposition to the use of race-based or  
11:02:54 7 identity-based curricula; is that correct?

11:02:56 8 A. Training, curricula, methodology,  
11:02:59 9 correct.

11:03:00 10 Q. And further down in the Whereas  
11:03:12 11 clauses, the sixth one, the Forest Hills policy  
11:03:22 12 2240, entitled Controversial Issues, is  
11:03:27 13 referenced; is that right?

11:03:28 14 A. Right.

11:03:29 15 Q. And 2240 is a policy that's been  
11:03:32 16 enacted and officially promulgated by the  
11:03:36 17 Forest Hills School Board; is that right?

11:03:38 18 A. That is correct.

11:03:40 19 Q. And the Controversial Issues  
11:03:47 20 policy contains language that is recited in  
11:03:51 21 this Whereas clause; is that correct?

11:03:55 22 A. Can you repeat that?

11:03:58 23 Q. The Controversial Issues policy  
11:04:01 24 contains language that is recited in this

11:04:06 1 Whereas clause; is that right?

11:04:08 2 A. I don't know if it's verbatim, but  
11:04:12 3 it's -- in general, yes.

11:04:13 4 Q. I'm not asking you to certify that  
11:04:16 5 it's accurate, but it purports to be citing to  
11:04:21 6 it; is that right?

11:04:21 7 A. Yes.

11:04:22 8 Q. So the resolution purports to  
11:04:22 9 incorporate this portion of the controversial  
11:04:27 10 issues policy within it, right?

11:04:28 11 A. Right. Yes.

11:04:29 12 Q. And do you see the ninth whereas  
11:04:45 13 clause which reads, The Critical Race Theory,  
11:04:51 14 CRT, anti-racism, and all related euphemistic  
11:04:59 15 surrogates should similarly not be advocated in  
11:05:02 16 any form, in Forest Hills School District's  
11:05:10 17 curricula or staff training?

11:05:10 18 A. Mm-hmm.

11:05:11 19 Q. Do you agree with me that that's  
11:05:13 20 what that whereas provision says?

11:05:16 21 A. Well, I'm not sure what it means.  
11:05:20 22 What is euphemistic surrogates? I don't know  
11:05:28 23 what that refers to.

11:05:28 24 Q. Yeah, that's a great question. I

11:05:30 1 don't know that I can give you an answer to it.  
11:05:33 2 But do you know what anti-racism is or how it  
11:05:36 3 was meant in this resolution?

11:05:39 4 MR. WHARTON: Objection. Answer  
11:05:41 5 if you know.

11:05:41 6 A. I don't know what it -- what that  
11:05:45 7 definition is.

11:05:45 8 MR. LUNDRIGAN: Why don't we take  
11:05:52 9 a break.

11:09:12 10 (Brief recess.)

11:25:32 11 BY MR. LUNDRIGAN:

11:25:32 12 Q. You mentioned earlier when you  
11:25:34 13 were deciding whether or not to pursue the  
11:25:38 14 position with Forest Hills that the resolution  
11:25:43 15 gave you pause. Can you explain why it gave  
11:25:47 16 you pause?

11:25:54 17 A. Well, first of all, my  
11:26:02 18 understanding was that it just -- well, from  
11:26:07 19 the news it created some havoc, some pretty  
11:26:15 20 vocal responses, and that's what made me pause,  
11:26:20 21 just because it created some pretty strong  
11:26:30 22 emotion.

11:26:31 23 Q. And did that give you pause  
11:26:33 24 because you didn't necessarily want to be in

11:26:36 1 the middle of that or because you were worried  
11:26:39 2 about litigation over it or both?

11:26:48 3 A. I hadn't even thought about  
11:26:50 4 litigation. That wasn't even part of my  
11:26:52 5 thought process at that time.

11:27:00 6 Q. How about the being in the middle  
11:27:06 7 of the controversy part of it, is that what  
11:27:10 8 gave you pause?

11:27:10 9 A. Just because the final interviews  
11:27:15 10 were the next day. I'm just -- why it happened  
11:27:23 11 that way, which I had really no knowledge of  
11:27:28 12 why, but just caused me to blink.

11:27:30 13 Q. Did you believe that it was --  
11:27:35 14 that the resolution was procedurally defective  
11:27:43 15 in the way it was passed?

11:27:46 16 MR. WHARTON: Objection. Answer  
11:27:47 17 if you can.

11:27:47 18 A. Well, I had no knowledge, but I  
11:27:47 19 have no knowledge of that procedure -- or  
11:27:50 20 procedurally or what they had or hadn't  
11:27:54 21 followed.

11:27:54 22 BY MR. LUNDRIGAN:

11:27:54 23 Q. As you sit here today, knowing --  
11:27:58 24 you do know how it was passed as you sit here



11:28:02 1 today?

11:28:02 2 A. Yes.

11:28:03 3 Q. And you're aware that the -- and I  
11:28:06 4 think you've pointed it out in your affidavit  
11:28:08 5 that the district's written policy manual  
11:28:12 6 requires that something like this be put on the  
11:28:15 7 agenda for two meetings and voted on at the  
11:28:20 8 second one?

11:28:20 9 MR. WHARTON: Objection. Answer  
11:28:21 10 if you know.

11:28:25 11 A. I know policy is, not resolutions,  
11:28:30 12 necessarily.

11:28:30 13 BY MR. LUNDRIGAN:

11:28:30 14 Q. So you don't know if that applies  
11:28:33 15 to this?

11:28:33 16 A. No.

11:28:34 17 Q. So you don't have an opinion one  
11:28:37 18 way or another whether or not it was  
11:28:42 19 procedurally defective to put this on the  
11:28:43 20 agenda the same night that it was voted on?

11:28:46 21 MR. WHARTON: Objection. Answer  
11:28:48 22 if you can.

11:29:02 23 A. Again, I'm not -- all I know is  
11:29:06 24 that it was brought up and it was passed and --

11:29:12 1 so as far as how it got there or -- I have no  
11:29:16 2 knowledge of that.

11:29:17 3 BY MR. LUNDRIGAN:

11:29:17 4 Q. Okay. Would you agree with me  
11:29:33 5 that the resolution, regardless of its binding  
11:29:38 6 effect, is a public statement by the school  
11:29:41 7 board that they are officially opposed to  
11:29:43 8 teaching any identity-based curricula?

11:29:50 9 MR. WHARTON: Objection. Answer  
11:29:51 10 if you can.

11:29:57 11 A. Can you repeat that?

11:29:58 12 BY MR. LUNDRIGAN:

11:29:58 13 Q. Would you agree with me that the  
11:30:01 14 resolution, regardless of its binding effect,  
11:30:05 15 is a public statement of the board of education  
11:30:13 16 of Forest Hills as to its public opposition to  
11:30:14 17 teaching any identity-based curricula?

11:30:19 18 MR. WHARTON: Objection. Go ahead  
11:30:21 19 and answer.

11:30:21 20 A. Yes. I think to me it's a  
11:30:27 21 statement of just their belief.

11:30:31 22 BY MR. LUNDRIGAN:

11:30:31 23 Q. And the same is true with regard  
11:30:33 24 to any race-based curricula by the resolution's

11:30:37 1 own language?

11:30:38 2 A. Yes.

11:31:02 3 Q. Were you aware that another  
11:31:04 4 candidate for superintendent withdrew from the  
11:31:07 5 selection process after learning of the passage  
11:31:11 6 of the kindness resolution?

11:31:14 7 A. Yes.

11:31:48 8 Q. Would you agree with me that the  
11:31:51 9 passage -- from your experience since being  
11:31:54 10 hired, do you agree that the passage of the  
11:31:59 11 resolution has caused teachers in the  
11:32:03 12 Forest Hills School District to question what  
11:32:07 13 they teach on certain topics or ideas?

11:32:10 14 MR. WHARTON: Objection. Answer  
11:32:11 15 if you know.

11:32:14 16 A. No. It shouldn't impact them.

11:32:18 17 BY MR. LUNDRIGAN:

11:32:18 18 Q. Why should it not impact them?

11:32:22 19 A. Because at my very first meeting  
11:32:27 20 with the entire district I said, Teach the  
11:32:31 21 curriculum, okay. And that was it. Teach the  
11:32:38 22 standards that are provided from the Ohio  
11:32:43 23 Department of Education's website; that is our  
11:32:47 24 model, that is what we follow, that's what you

11:32:50 1 teach. If it's an AP course, you follow the  
11:32:53 2 college board design curriculum.

11:32:59 3 Q. Do you receive specific questions  
11:33:01 4 from teachers about how to avoid conflict with  
11:33:08 5 the resolution and what it stated?

11:33:10 6 A. No.

11:33:12 7 Q. Not from anyone?

11:33:13 8 A. No, not really. Probably wouldn't  
11:33:20 9 have raised to my level anyway.

11:33:25 10 Q. Do you know if other members of  
11:33:28 11 the administration at Forest Hills received  
11:33:31 12 questions from teachers about how to steer  
11:33:35 13 clear of the restrictions of the kindness  
11:33:38 14 resolution or how to comply with it?

11:33:41 15 A. I don't know if they have been  
11:33:44 16 individually asked, but in my meetings with  
11:33:49 17 principals, I said the same thing. Focus on  
11:33:51 18 kids, focus on the curriculum that we have  
11:33:55 19 that's adopted that we follow and that's it.

11:34:24 20 Q. Mr. Hook, you were also -- do you  
11:34:27 21 prefer I call you Mr. Hook or Larry?

11:34:30 22 A. Larry is fine.

11:34:32 23 Q. You were also a candidate for the  
11:34:36 24 state board of education; is that true?

11:34:41 1 A. Yes.

11:34:41 2 (Exhibit No. 2 was marked for identification.)

11:36:24 3 BY MR. LUNDRIGAN:

11:36:24 4 Q. Let me know when you're finished

11:36:26 5 reviewing it.

11:36:27 6 A. (Reviewing document) Okay.

11:36:28 7 Q. I think your answer was yes, you

11:36:31 8 were a candidate for the Ohio Board of

11:36:38 9 Education.

11:36:39 10 A. Yes, for superintendent.

11:36:40 11 Q. And these, what's been marked as

11:36:44 12 Exhibit 2, were questions that were submitted

11:36:47 13 to you that you answered as part of that

11:36:49 14 process?

11:36:50 15 A. Yes.

11:36:50 16 Q. We got these off the website, so

11:36:54 17 these are public, right?

11:36:55 18 A. Oh, yeah.

11:36:55 19 Q. I'm looking at your answer to

11:36:58 20 No. 10, which is at the top of page 4.

11:37:00 21 A. Mm-hmm.

11:37:07 22 Q. I want to ask you some questions

11:37:11 23 to clarify your position on some of this.

11:37:16 24 A. Okay.

11:37:20 1 Q. The bullet points are what I'm  
11:37:23 2 specifically looking at. And I think -- well,  
11:37:31 3 let me ask it this way: The first bullet point  
11:37:34 4 that you've answered is that learning standards  
11:37:39 5 should not and will not include the following  
11:37:43 6 topics that: Teach from a perspective that the  
11:37:49 7 United States and/or its legal system is  
11:37:54 8 systematically racist and designed to create  
11:37:56 9 and maintain inequalities between genders,  
11:37:56 10 ethnicities, different religious heritages, or  
11:38:02 11 races. Do you see that?

11:38:03 12 A. Yes.

11:38:04 13 Q. And you believe that, right?

11:38:06 14 A. Correct.

11:38:07 15 Q. And my question for you is, when  
11:38:12 16 you say that that shouldn't be taught from a  
11:38:18 17 perspective that it is systemically racist, et  
11:38:23 18 cetera, you're not saying that whether or not  
11:38:27 19 our legal system is systemically racist should  
11:38:32 20 not be discussed?

11:38:33 21 A. No.

11:38:34 22 Q. So it's not your idea that the  
11:38:38 23 idea itself should be stifled and not  
11:38:41 24 discussed?

11:38:42 1 A. Correct.

11:38:43 2 Q. That's the way I read it; I just  
11:38:45 3 wanted to make sure that we agreed with that.  
11:38:48 4 So essentially what you're saying here is that  
11:38:53 5 when these topics are being discussed, the  
11:38:59 6 teacher in the process of discussing them  
11:39:03 7 should not be telling the students this is how  
11:39:07 8 it is, our system is systemically racist; they  
11:39:11 9 should be asking the students to consider the  
11:39:15 10 idea that some people have, that the system is  
11:39:18 11 systemically racist. Would you agree with  
11:39:21 12 that?

11:39:21 13 MR. WHARTON: Objection. Go ahead  
11:39:22 14 and answer if you can.

11:39:24 15 A. I agree that they should not teach  
11:39:27 16 from the perspective that the United States is  
11:39:32 17 systemically racist.

11:39:37 18 Q. Okay.

11:39:37 19 A. But that it can come up in  
11:39:40 20 conversation, you know, I believe I've --  
11:39:45 21 well --

11:39:48 22 Q. You agree that the United States  
11:39:51 23 does have a history of systemic racism that was  
11:39:58 24 embodied in law at one point, correct?

11:40:01 1 MR. WHARTON: Objection, answer if  
11:40:03 2 you can.

11:40:03 3 A. I'm not sure. Am I aware that  
11:40:10 4 there were moments in our history that were --  
11:40:16 5 I guess I don't really understand what you  
11:40:18 6 mean.

11:40:19 7 BY MR. LUNDRIGAN:

11:40:19 8 Q. Well, I'm going all the way back  
11:40:23 9 to the formation of the constitution, slavery,  
11:40:28 10 and school segregation.

11:40:28 11 A. Okay.

11:40:29 12 Q. At one point we did have a  
11:40:32 13 systemically racist system in the United  
11:40:36 14 States, would you agree with that?

11:40:37 15 A. I would --

11:40:39 16 MR. WHARTON: Objection. Go  
11:40:40 17 ahead.

11:40:40 18 A. I would say certainly in some  
11:40:42 19 parts of the country.

11:40:43 20 BY MR. LUNDRIGAN:

11:40:43 21 Q. And that gets discussed as part of  
11:40:47 22 the curricula that students study, especially  
11:40:51 23 as they become more mature in high school,  
11:40:54 24 right?



11:40:54 1 A. Yes.

11:40:55 2 Q. And different people in our  
11:40:56 3 society have different ideas about how to  
11:41:00 4 remedy the aftereffects of that and whether or  
11:41:04 5 not there should be remedies, correct?

11:41:07 6 A. What do you mean by remedies?

11:41:10 7 Q. Well, some people suggest  
11:41:13 8 reparations, some people talk about affirmative  
11:41:13 9 action, all that stuff.

11:41:16 10 A. I've heard of all of that. Yes.

11:41:18 11 Q. And you're not saying, as an  
11:41:20 12 educator, that any of those topics ought to be  
11:41:25 13 off base for discussion; you just don't think  
11:41:27 14 that kids should have it drilled into their  
11:41:31 15 heads that one side or the other is correct; is  
11:41:34 16 that true?

11:41:35 17 MR. WHARTON: Objection.

11:41:36 18 A. Well, going back -- correct. Do  
11:41:45 19 those topics come up? Yes. Can they be  
11:41:48 20 discussed? Yes.

11:41:50 21 BY MR. LUNDRIGAN:

11:41:50 22 Q. And you agree that it's a good  
11:41:53 23 thing to discuss those in a history class?

11:41:55 24 A. It happens. Some of it happened.

11:41:58 1 Q. Obviously, you can't take the  
11:42:00 2 whole year because they don't have the time,  
11:42:03 3 but those topics come up and you don't believe  
11:42:06 4 that they ought to be -- the teachers ought to  
11:42:10 5 be told don't discuss that, don't discuss  
11:42:13 6 slavery, don't discuss racism, don't discuss  
11:42:16 7 the fact that our schools were segregated.  
11:42:19 8 You're not advocating that any of those topics  
11:42:24 9 be prohibited from being taught?

11:42:26 10 A. No. Absolutely not.

11:42:27 11 Q. To the extent that the kindness  
11:42:30 12 resolution would prohibit discussion of any of  
11:42:33 13 those topics, do you believe that it is  
11:42:36 14 unconstitutional?

11:42:39 15 MR. WHARTON: Objection. Answer  
11:42:40 16 if you can.

11:42:41 17 A. That what's unconstitutional?

11:42:44 18 BY MR. LUNDRIGAN:

11:42:44 19 Q. The kindness resolution. To the  
11:42:45 20 extent that if it is binding or if it, in fact,  
11:42:50 21 causes teachers or administrators to believe  
11:42:54 22 that discussions about those topics are off  
11:42:57 23 limits and should not be part of the  
11:43:00 24 curriculum, do you believe that if that is, in

11:43:03 1 fact, its effect that it is unconstitutional?

11:43:09 2 MR. WHARTON: Objection. Answer  
11:43:11 3 if you know.

11:43:12 4 A. Well, from my perspective it's not  
11:43:17 5 binding, so it's --

11:43:22 6 BY MR. LUNDRIGAN:

11:43:22 7 Q. Let me ask it a different way. I  
11:43:25 8 want you to assume that it is binding.

11:43:28 9 MR. WHARTON: No. No. No. He's  
11:43:30 10 not here to answer hypothetical questions like  
11:43:33 11 that. He's not an expert witness.

11:43:35 12 MR. LUNDRIGAN: Are you willing to  
11:43:37 13 stipulate to that?

11:43:38 14 MR. WHARTON: Yes. He's not here  
11:43:40 15 as an expert witness. He's here as a fact  
11:43:42 16 witness and as a defendant.

11:43:43 17 MR. LUNDRIGAN: Okay.

11:43:43 18 BY MR. LUNDRIGAN:

11:43:47 19 Q. If you are told by the board,  
11:43:50 20 implement this resolution, create a policy that  
11:43:56 21 talks about how complaints can be lodged by  
11:44:02 22 students, teachers, or parents about perceived  
11:44:08 23 violations of it, do you think that the  
11:44:12 24 resolution is constitutional if you have to do

11:44:15 1 that?

11:44:15 2 MR. WHARTON: Same objection,  
11:44:17 3 Kelly. He said it's not binding, so you're now  
11:44:21 4 asking him to assume something that he's  
11:44:23 5 testified against, so that's not fair to him.  
11:44:26 6 He's here giving you what his personal  
11:44:29 7 knowledge is and his personal knowledge is this  
11:44:31 8 is not a binding resolution that has any sort  
11:44:35 9 of effective mechanism to make school board or  
11:44:38 10 school employees do anything. He's testified  
11:44:41 11 to that.

11:44:41 12 MR. LUNDRIGAN: I understand that.

11:44:42 13 MR. WHARTON: So now to ask him to  
11:44:44 14 assume that it does.

11:44:44 15 MR. LUNDRIGAN: No, that's not  
11:44:44 16 what I'm asking him.

11:44:44 17 MR. WHARTON: Yes, you are.  
11:44:46 18 You're asking him to assume that it's binding.

19 MR. LUNDRIGAN: Listen to the  
20 question.

21 MR. WHARTON: Read the question --

22 MR. LUNDRIGAN: Listen to the  
23 question.

24 BY MR. LUNDRIGAN:

11:44:51 1 Q. Your testimony is that no  
11:44:53 2 mechanism has been put in place by the school  
11:44:57 3 board yet to make this kindness resolution an  
11:45:00 4 official policy of the district; is that  
11:45:03 5 correct?

11:45:03 6 A. That is correct.

11:45:04 7 Q. And therefore, at this point you  
11:45:08 8 have no obligation as the superintendent to  
11:45:10 9 enforce it; is that right?

11:45:13 10 A. That's correct.

11:45:14 11 Q. Do you have an understanding of  
11:45:21 12 whether or not, if the school board comes to  
11:45:26 13 you next month or when the stipulation ends or  
11:45:31 14 when the lawsuit ends and they say, Okay, we  
11:45:35 15 won, the lawsuit is over, now implement the  
11:45:41 16 resolution and create a policy that is for the  
11:45:44 17 enforcement of it, are you going to do that?

11:45:49 18 MR. WHARTON: Objection. Answer  
11:45:50 19 if you can.

11:45:52 20 A. Well, I guess at that point you  
11:45:54 21 have to decide how many of them -- if you can  
11:45:57 22 count to three, you've got to know which -- you  
11:46:00 23 know, do it or not. My advice would be to  
11:46:05 24 stick to the curriculum, period.

11:46:10 1 BY MR. LUNDRIGAN:

11:46:10 2 Q. Okay.

11:46:11 3 A. Because you're going to have to  
11:46:13 4 change other policies then.

11:46:14 5 Q. Got it. So you believe that if  
11:46:17 6 the board did come to you and tell you,  
11:46:20 7 implement the policy, implement the kindness  
11:46:23 8 resolution, that other policies are going to  
11:46:26 9 have to be changed as well?

11:46:29 10 MR. WHARTON: Objection. Answer  
11:46:30 11 if you know.

11:46:30 12 A. I would -- yes, because we follow  
11:46:35 13 -- our course of study is the state standards,  
11:46:38 14 so anything that's in there about state  
11:46:41 15 standards, those would kind of -- the same  
11:46:45 16 thing now.

11:46:54 17 BY MR. LUNDRIGAN:

11:46:54 18 Q. So you agree that implementing the  
11:46:57 19 kindness resolution would violate those state  
11:47:01 20 standards?

11:47:02 21 MR. WHARTON: Objection. Answer  
11:47:03 22 if you know.

11:47:04 23 A. I don't know if it would,  
11:47:07 24 particularly. I would -- at that point I would

11:47:12 1 probably be calling Bill and staying --

11:47:12 2 BY MR. LUNDRIGAN:

11:47:17 3 Q. I understand. So you don't know  
11:47:19 4 the answer to that. But as you sit here, you  
11:47:22 5 believe that it may conflict with some aspects  
11:47:25 6 of the curricula as it exists right now?

11:47:27 7 MR. WHARTON: Objection. Answer  
11:47:28 8 if you can.

11:47:31 9 A. Again, I don't know what some of  
11:47:37 10 that resolution actually means.

11:47:41 11 BY MR. LUNDRIGAN:

11:47:41 12 Q. Okay. Do you agree that it is --  
11:48:44 13 strike that.

11:48:45 14 Do you agree that individual board  
11:48:47 15 members should not become personally involved  
11:48:50 16 in taking action to enforce policies of the  
11:48:53 17 district?

11:48:54 18 MR. WHARTON: Objection. Answer  
11:48:55 19 if you can.

11:48:58 20 A. Individual board members have no  
11:49:01 21 authority.

11:49:03 22 BY MR. LUNDRIGAN:

11:49:03 23 Q. Explain what you mean by that.

11:49:05 24 A. The board operates under a

11:49:10 1 majority rule, so individuals can have  
11:49:16 2 individual beliefs, but they don't individually  
11:49:26 3 make up the board. It's a collective --

11:49:36 4 Q. So no individual board member has  
11:49:38 5 the authority, in your view, to contact an  
11:49:44 6 administrator or a principal and say this  
11:49:46 7 teacher has violated this policy, I want you to  
11:49:49 8 take action against her?

11:49:52 9 A. Oh, they can call them, just like  
11:49:55 10 any parent can, but it doesn't mean that they  
11:50:01 11 have to do it. Or they typically, if there is  
11:50:03 12 an issue, they'll let me know.

11:50:07 13 Q. Well, let's distinguish. They're  
11:50:10 14 not parents, right, they're board members with  
11:50:13 15 legal responsibilities, right?

11:50:15 16 MR. WHARTON: Do you mean, are you  
11:50:16 17 asking whether any of the board members are  
11:50:19 18 actually parents?

11:50:19 19 Q. Well, he equated them to parents a  
11:50:22 20 few minutes ago, a few seconds ago.

11:50:24 21 A. No, just like parents. Just like  
11:50:25 22 parents, anybody can call.

11:50:26 23 Q. A parent can call for whatever  
11:50:29 24 reason they want, right? They don't have any



11:50:31 1 legal obligations not to violate anyone's  
11:50:39 2 constitutional rights, correct?

11:50:39 3 MR. WHARTON: Objection.

11:50:39 4 BY MR. LUNDRIGAN:

11:50:40 5 Q. Board members do, right?

11:50:42 6 A. Board members can call as well.

11:50:44 7 Q. Okay. But what I'm asking is,  
11:50:46 8 board members have legal responsibilities not  
11:50:49 9 to do things that are illegal; would you agree  
11:50:52 10 with that?

11:50:53 11 A. Sure.

11:50:54 12 Q. Okay. They have legal  
11:50:56 13 responsibilities not to take actions that  
11:51:00 14 they're not legally authorized to take; would  
11:51:03 15 you agree with that?

11:51:05 16 A. Yes. I would say so.

11:51:08 17 Q. And taking actions against  
11:51:13 18 individual teachers that they're not legally  
11:51:17 19 authorized to take could give rise to personal  
11:51:25 20 liability on the part of board members,  
11:51:25 21 correct?

11:51:26 22 MR. WHARTON: Objection. Answer  
11:51:27 23 if you know.

11:51:29 24 A. Well, again, they don't have any

11:51:31 1 authority as individuals. I don't know if I  
11:51:34 2 answered that very well. Sorry.

11:51:36 3 BY MR. LUNDRIGAN:

11:51:36 4 Q. If the stipulation that was  
11:52:11 5 entered into between the school board and the  
11:52:15 6 plaintiffs prior to you being hired that the  
11:52:19 7 resolution would not be enforced and no action  
11:52:23 8 would be taken on it while the litigation was  
11:52:26 9 pending, if that didn't exist, what would the  
11:52:31 10 normal course of events be for you to act on  
11:52:37 11 developing a policy to implement the  
11:52:40 12 resolution?

11:52:40 13 MR. WHARTON: Objection, answer if  
11:52:45 14 you can.

11:52:45 15 A. I would not have done anything  
11:52:48 16 different than I'm doing now, which is really  
11:52:51 17 nothing, because there's no directive to do  
11:52:55 18 anything.

11:52:56 19 BY MR. LUNDRIGAN:

11:52:56 20 Q. When you're considering curriculum  
11:53:01 21 and reviewing policies to establish curriculum,  
11:53:05 22 you wouldn't consider the resolution, the  
11:53:11 23 kindness resolution in doing that, even though  
11:53:14 24 it directly addresses and mandatorily prohibits

11:53:20 1 certain curricula?

11:53:20 2 MR. WHARTON: Objection. Answer  
11:53:21 3 if you can.

11:53:21 4 A. No. I would say what I've told  
11:53:25 5 everybody is, we will teach the standards from  
11:53:30 6 the Ohio Department of Education in all subject  
11:53:33 7 matters and the AP college board.

11:53:33 8 (Exhibit No. 3 was marked for identification.)

11:55:43 9 BY MR. LUNDRIGAN:

11:55:43 10 Q. Mr. Hook, could you identify what  
11:55:56 11 I marked as Exhibit 3?

11:55:59 12 A. Yes. This is a series of  
11:56:04 13 questions that Bernie asked me to respond to in  
11:56:18 14 reference to the lawsuit.

11:56:30 15 Q. You're not thinking of discovery  
11:56:33 16 requests. This is your affidavit, right?

11:56:37 17 A. Yes.

11:56:38 18 Q. And you prepared this for the  
11:56:41 19 motion to dismiss that your counsel filed; is  
11:56:49 20 that right? If you know. You prepared this --

11:56:51 21 A. They asked me to fill it out. I  
11:56:55 22 think that's correct.

11:56:56 23 Q. Did you draft this?

11:57:03 24 A. I think there were questions and I

11:57:07 1 answered the questions as they related to  
11:57:10 2 these. He knew -- obviously, he knew when I  
11:57:14 3 started. I wanted to make sure that they knew  
11:57:19 4 my roles and --

11:57:22 5 Q. And, again, you were familiar with  
11:57:25 6 the policies in the Forest Hills policy manual  
11:57:29 7 because you had seen the Neola policies already  
11:57:32 8 as part of Springboro's administration,  
11:57:38 9 correct?

11:57:38 10 A. Right.

11:57:40 11 Q. Thank you. But you didn't  
11:57:45 12 actually write this affidavit, right?

11:57:49 13 A. No, I didn't actually write it.

11:57:53 14 Q. You reviewed it?

11:57:54 15 A. I reviewed it, made corrections  
11:57:58 16 and made sure that it was accurate.

11:58:41 17 Q. Do you believe that if the  
11:58:46 18 stipulation agreeing that the resolution won't  
11:58:49 19 be enforced during the litigation was not in  
11:58:52 20 place that teachers would question what they're  
11:59:01 21 allowed to teach?

11:59:03 22 MR. WHARTON: Objection. Answer  
11:59:04 23 if you can.

11:59:09 24 A. Well, I'm not sure what they would

11:59:13 1 think. Pretty much every year that I've been a  
11:59:21 2 superintendent, opening in services I always  
11:59:30 3 say, you know, teach the standards. That's  
11:59:33 4 pretty much my shtick.

11:59:33 5 BY MR. LUNDRIGAN:

11:59:38 6 Q. Are you familiar with what the  
11:59:41 7 C.A.R.E Program was at Forest Hills?

11:59:44 8 A. No.

11:59:44 9 Q. You don't know anything about  
11:59:46 10 that?

11:59:47 11 A. No. Is that an acronym?

11:59:53 12 Q. I believe it is, actually, and I  
11:59:56 13 can't tell you what the acronym stands for,  
12:00:00 14 but. Are you familiar with the fact that the  
12:00:03 15 C.A.R.E Program at Forest Hills was dismantled  
12:00:07 16 after the three board members who were elected  
12:00:12 17 most recently, aside from Ms. Rasmussen?

12:00:19 18 MS. LUNDRIGAN: Four of them.

12:00:21 19 Q. I'm sorry, four of them. Are you  
12:00:22 20 familiar with the fact that they ran on a  
12:00:27 21 platform of doing away with the C.A.R.E.  
12:00:30 22 Program?

12:00:30 23 MR. WHARTON: Objection. Answer  
12:00:30 24 if you know.

12:00:30 1 A. I have no knowledge of that.

12:00:32 2 BY MR. LUNDRIGAN:

12:00:32 3 Q. Are you familiar with the fact  
12:00:33 4 that they -- so I take it you would not be  
12:00:46 5 familiar with the fact that those four board  
12:00:49 6 members, other than Ms. Rasmussen equated the  
12:00:53 7 C.A.R.E. Program to Critical Race Theory?

12:00:57 8 MR. WHARTON: Objection. Answer  
12:00:59 9 if you know.

12:01:00 10 A. I have no knowledge of that.

12:01:03 11 BY MR. LUNDRIGAN:

12:01:03 12 Q. Have you read about or heard about  
12:01:09 13 or otherwise learned about the fact that the  
12:01:12 14 four board members, other than Ms. Rasmussen,  
12:01:15 15 who were elected to the school board who were  
12:01:19 16 in support of the kindness resolution, also  
12:01:24 17 voted to do away with Diversity Day at Turpin  
12:01:35 18 High School?

12:01:35 19 MR. WHARTON: Objection. Answer  
12:01:37 20 if you know.

12:01:37 21 A. I don't know much about it. I  
12:01:40 22 don't have a lot of knowledge of what happened  
12:01:41 23 other than what I heard on the news and other  
12:01:44 24 than it was canceled.

12:01:46 1 BY MR. LUNDRIGAN:

12:01:46 2 Q. And do you believe that the  
12:01:47 3 cancellation of the Diversity Day was part of  
12:01:52 4 those four board members' agenda that's also  
12:01:57 5 expressed in the kindness resolution?

12:02:00 6 MR. WHARTON: Objection. Answer  
12:02:01 7 if you know.

12:02:02 8 A. I have no direct knowledge of  
12:02:05 9 that.

12:03:03 10 BY MR. LUNDRIGAN:

12:03:03 11 Q. Do you recognize what's been  
12:03:05 12 marked as Hook No. 4?

12:03:11 13 A. I believe -- yes, I believe I've  
12:03:23 14 seen this, but don't ask me to quote anything.

12:03:25 15 Q. It's a long document, I wouldn't  
12:03:27 16 ask you to do that. But you have read it?

12:03:31 17 A. Yes, I've read through it.

12:03:33 18 MR. LUNDRIGAN: All right.

12:03:34 19 Actually, this may be a good spot to break for  
12:03:37 20 lunch if you want to do that.

12:03:41 21 MR. WHARTON: Okay. That's  
12:03:43 22 fine.

23 (Whereupon lunch recess was taken.)

24 (Whereupon Sara Jonas and

1 Natalie Hastings left deposition.)

2 (Exhibit No. 4 was marked for identification.)

3 BY MR. LUNDRIGAN:

12:59:53 4 Q. I think we marked the complaint as  
12:59:56 5 Exhibit 4, and you had identified it before we  
12:59:59 6 broke. I wanted to ask you about some of the  
13:00:09 7 specifics. Actually, this is the amended  
13:00:12 8 complaint. So if you would look at paragraph  
13:00:23 9 23 of the amended complaint, which is on page  
13:00:39 10 13 of the amended complaint. Paragraph 23  
13:00:41 11 relates to the C.A.R.E. Committee. And I think  
13:00:56 12 you indicated earlier that you were not  
13:00:59 13 familiar with how the C.A.R.E. Committee came  
13:01:03 14 to be disbanded; is that accurate?

13:01:07 15 A. Correct.

13:01:14 16 Q. If that was done by motion alone  
13:01:22 17 without a resolution, without any policy change  
13:01:26 18 being implemented, would you think that that is  
13:01:31 19 consistent with your position about what has  
13:01:37 20 happened in this case with the resolution?

13:01:39 21 MR. WHARTON: Objection. Answer  
13:01:43 22 if you can.

13:01:45 23 A. I don't know anything about how or  
13:01:51 24 why it would disband, really.



13:02:15 1 BY MR. LUNDRIGAN:

13:02:15 2 Q. Let me shift gears for a minute.  
13:02:19 3 Have you personally recommended to any member  
13:02:21 4 of the board that they rescind the kindness  
13:02:35 5 resolution?

13:02:35 6 A. No. Not to my recollection.

13:02:42 7 Q. Have you had discussions with  
13:02:44 8 individual board members about rescinding the  
13:02:47 9 kindness resolution as part of the effort to  
13:02:51 10 get support for the levy that you are advising  
13:02:57 11 the board that they need to pass?

13:02:59 12 MR. WHARTON: I'm going to object  
13:03:01 13 subject to the attorney/client privilege and  
13:03:03 14 the executive session privilege with respect to  
13:03:07 15 any discussions that implement those  
13:03:10 16 privileges; other than that, go ahead and  
13:03:11 17 answer.

13:03:12 18 A. No, not with any board member.

13:03:19 19 BY MR. LUNDRIGAN:

13:03:19 20 Q. Is there an executive session that  
13:03:24 21 involved discussions which you cannot testify  
13:03:28 22 to over your attorney's objection?

13:03:30 23 MR. WHARTON: Any executive  
13:03:33 24 session he can't testify about, so I don't

13:03:33 1 know.

13:03:37 2 MR. LUNDRIGAN: Correct. But if  
13:03:38 3 you're going to object on the basis of an  
13:03:41 4 executive session, I think you need to tell us  
13:03:45 5 which one, what the date of it was.

13:03:46 6 MR. WHARTON: Well, I don't know  
13:03:47 7 that there is. I'm making the objection to  
13:03:49 8 give him that instruction because I'm not  
13:03:52 9 present for every discussion that they've had  
13:03:55 10 in executive session. All I know is it's  
13:04:00 11 privileged. Now, if you want to ask something  
13:04:03 12 that clarifies that for you, you can, but, you  
13:04:08 13 know, it's just like an attorney-client  
13:04:10 14 privilege, you know. He doesn't have the  
13:04:12 15 ability to testify about things that were  
13:04:16 16 subject to the attorney-client privilege just  
13:04:19 17 as he can't testify about things that were said  
13:04:21 18 in executive session.

13:04:27 19 BY MR. LUNDRIGAN:

13:04:27 20 Q. Are there discussions that  
13:04:29 21 occurred in executive session that you are not  
13:04:33 22 able to talk about today because of your  
13:04:37 23 attorney's objection based on executive session  
13:04:40 24 privilege?

13:04:42 1 MR. WHARTON: I'll object. But  
13:04:44 2 I'll say go ahead and answer this question.

13:04:46 3 A. No.

13:04:58 4 BY MR. LUNDRIGAN:

13:04:58 5 Q. Do you know what social and  
13:05:01 6 emotional learning principles are?

13:05:18 7 A. Well, I'd want to know what you --  
13:05:22 8 what the definition of that is. That's --

13:05:27 9 Q. I don't have it. I don't have  
13:05:31 10 a definition, but I will tell you that the  
13:05:34 11 four board members, who do not include  
13:05:40 12 Ms. Rasmussen, have indicated they are  
13:05:43 13 opposed to social and emotional learning  
13:05:47 14 principles. Do you have any idea what that  
13:05:49 15 means?

13:05:50 16 A. I don't know what that means.

13:06:31 17 Q. Have you personally reviewed  
13:06:38 18 curricula for the Forest Hills School District  
13:06:42 19 to determine whether or not there are any  
13:06:46 20 Critical Race Theory components in it?

13:06:55 21 A. Personally, I have not gone  
13:06:57 22 through item by item. I've been assured that  
13:07:03 23 we are not, that we teach the standards.

13:07:07 24 Q. And Critical Race Theory is not

13:07:13 1 part of the standards promulgated by the State  
13:07:16 2 of Ohio?

13:07:17 3 A. From what I understand, critical  
13:07:18 4 -- I don't even know what Critical Race Theory  
13:07:21 5 is, to be totally honest with you.

13:07:57 6 Q. Would you consider Diversity  
13:08:05 7 Day -- I think it happened for about six, maybe  
13:08:08 8 eight years in a row. Would you consider that  
13:08:14 9 program part of the curricula for Turpin High  
13:08:19 10 School?

13:08:19 11 MR. WHARTON: Objection. Go ahead  
13:08:19 12 and answer.

13:08:33 13 A. I am not aware that it is part of  
13:08:36 14 the curriculum specifically, Diversity Day.  
13:08:40 15 BY MR. LUNDRIGAN:

13:08:40 16 Q. And that's kind of my question.  
13:08:42 17 I'm trying to think of the best way to ask  
13:08:44 18 this. Events that are like an annual event  
13:08:52 19 where speakers come in and they talk on a  
13:08:55 20 topic.

13:08:56 21 MR. WHARTON: An assembly?

13:08:56 22 Q. There you go.

13:08:56 23 A. Okay. Now I'm on the same page.

13:09:01 24 Q. An assembly where speakers are

13:09:04 1 brought in to talk on a topic, would you  
13:09:09 2 consider that to be -- to fall under the  
13:09:12 3 umbrella of curricula or not?

13:09:25 4 A. It should or should have a very  
13:09:35 5 strong connection to it.

13:09:36 6 Q. So if Diversity Day did involve  
13:09:41 7 that, speakers who came in and talked on  
13:09:41 8 various topics that were related to curriculum  
13:09:46 9 that was being taught to the students, do you  
13:09:51 10 think that it should have been done away with  
13:09:55 11 by motion or by modification of a policy?

13:09:59 12 MR. WHARTON: Objection. Answer  
13:10:02 13 if you can.

13:10:03 14 A. I don't know how was canceled. I  
13:10:10 15 don't know that.

13:10:10 16 BY MR. LUNDRIGAN:

13:10:10 17 Q. Well, if it was curricula or  
13:10:14 18 curriculum, then it should have been modified  
13:10:17 19 by means of a policy change, according to your  
13:10:20 20 affidavit; is that accurate?

13:10:21 21 MR. WHARTON: Objection. I don't  
13:10:23 22 know that he testified that it is curriculum.  
13:10:25 23 I think he said it has a connection to  
13:10:27 24 curriculum.

13:10:28 1 BY MR. LUNDRIGAN:

13:10:28 2 Q. Correct. And what I'm asking you  
13:10:30 3 is, if it was curriculum -- I know you're not  
13:10:33 4 familiar with it, but if it was curriculum,  
13:10:36 5 part of the curricula, and they wanted to do  
13:10:40 6 away with it, should that have been done by a  
13:10:44 7 policy change or could it be done by a mere  
13:10:47 8 motion?

13:10:48 9 MR. WHARTON: Objection. Go ahead  
13:10:49 10 and answer if you can.

13:10:49 11 A. Typically, it never gets to the  
13:10:52 12 board level. It would have gone through -- if  
13:10:54 13 there were questions, for whatever reason, it  
13:10:57 14 would come probably to the principal and then  
13:10:59 15 up the chain of command and it may be this was  
13:11:03 16 or wasn't following or connected to the  
13:11:10 17 curriculum. It could have been any of that.  
13:11:13 18 And I'm speculating there a little bit.

13:11:15 19 BY MR. LUNDRIGAN:

13:11:15 20 Q. So you as -- let me make sure I  
13:11:18 21 understand your testimony. So the principal  
13:11:20 22 for Turpin, who is Mr. Fellows -- is that  
13:11:20 23 correct?

13:11:22 24 MS. LUNDRIGAN: Mr. Spencer.

13:11:25 1 Q. I'm sorry, Mr. Spencer.

13:11:25 2 A. Spencer.

13:11:27 3 Q. -- could have canceled Diversity  
13:11:31 4 Day on his own authority?

13:11:35 5 A. Could have. Anything, though,  
13:11:37 6 that's -- he might check with, you know, the  
13:11:42 7 director or assistant superintendent of  
13:11:46 8 curriculum and instruction.

13:11:47 9 Q. Who is that person?

13:11:49 10 A. Kim Tensley.

13:11:52 11 Q. Do you know how her last name is  
13:11:53 12 spelled?

13:11:53 13 A. T-E-N-S-L-E-Y.

13:12:00 14 MS. LUNDRIGAN: It was Kim Pence.

13:12:03 15 Q. Is that her married name, Pence?

13:12:07 16 MS. LUNDRIGAN: I don't know.

13:12:08 17 A. She just got married this summer,  
13:12:11 18 so it's now Tensley. But usually -- I'm sorry,  
13:12:22 19 I shouldn't interject.

13:12:25 20 Q. That's fine. If the  
13:12:29 21 superintendent wanted to cancel Diversity Day,  
13:12:35 22 it's your belief that they could do that -- you  
13:12:37 23 could do that on your own accord?

13:12:39 24 MR. WHARTON: Objection. Answer

13:12:40 1 if you know.

13:12:40 2 A. Yes. Unless there was something  
13:12:42 3 that specifically in policy said I couldn't,  
13:12:46 4 which I'm not aware of.

13:12:57 5 BY MR. LUNDRIGAN:

13:12:57 6 Q. If it was being canceled by you or  
13:13:01 7 by Mr. Spencer because they felt it did not  
13:13:05 8 comply with directives regarding curricula,  
13:13:09 9 would you think that that could be done by  
13:13:12 10 either you or Mr. Spencer without the approval  
13:13:17 11 of the board?

13:13:17 12 A. Yes.

13:13:18 13 Q. How about decisions about whether  
13:13:32 14 or not to allow discussion of Critical Race  
13:13:38 15 Theory in curricula, could you, as the  
13:13:41 16 superintendent, order that there be no  
13:13:45 17 discussions of Critical Race Theory without  
13:13:48 18 approval of the board?

13:13:50 19 MR. WHARTON: Objection. Answer  
13:13:52 20 if you can.

13:13:53 21 A. Well, I'd want to know what your  
13:13:56 22 definition of Critical Race Theory is because  
13:14:00 23 all I have is a Google knowledge.

13:14:06 24 BY MR. LUNDRIGAN:



13:14:06 1 Q. Yeah, I understand. I don't know  
13:14:08 2 that I can give you a good definition, but can  
13:14:14 3 you make curriculum decisions like that on your  
13:14:19 4 own?

13:14:19 5 A. Yeah. I would believe so, yes.  
13:14:24 6 Unless, you know, because I have the state  
13:14:28 7 standards, I can access those at any moment.

13:14:32 8 Q. So you don't have to go to the  
13:14:34 9 board to change curricula?

13:14:39 10 A. Oh, to change curriculum? Oh,  
13:14:46 11 yeah, if it went away, because that's our  
13:14:47 12 accepted course of study is now the state  
13:14:51 13 standards.

13:14:53 14 Q. So if Critical Race Theory were  
13:14:56 15 being taught at Turpin High School, is it your  
13:15:00 16 testimony that Mr. Spencer could not, of his  
13:15:03 17 own accord, that he would not have the  
13:15:06 18 authority to say stop teaching it?

13:15:09 19 MR. WHARTON: Objection. Answer  
13:15:10 20 if you can.

13:15:10 21 A. He has the authority to stop  
13:15:13 22 anything that's not curriculum by design, if  
13:15:22 23 there's any teacher going off, away from those  
13:15:25 24 standards.

13:15:28 1 BY MR. LUNDRIGAN:

13:15:28 2 Q. Okay. And you don't believe  
13:15:41 3 Critical Race Theory is part of the curriculum  
13:15:44 4 that's approved by the state standards?

13:15:44 5 MR. WHARTON: Objection. Answer  
13:15:47 6 if you know.

13:15:47 7 A. In my opinion, no, it is not part  
13:15:51 8 of the standards.

13:15:55 9 BY MR. LUNDRIGAN:

13:15:55 10 Q. Is it your testimony that there's  
13:15:57 11 anything -- strike that.

13:16:05 12 Is it your testimony, as you sit  
13:16:07 13 here today, that if a teacher was talking about  
13:16:11 14 the topic of Critical Race Theory and having  
13:16:18 15 students consider it in the context of, say a  
13:16:22 16 history class, is it your opinion that that  
13:16:26 17 violates state standards for curricula?

13:16:35 18 MR. WHARTON: Objection. Answer  
13:16:36 19 if you can.

13:16:36 20 A. I would have to know specifically  
13:16:38 21 what.

13:16:40 22 BY MR. LUNDRIGAN:

13:16:40 23 Q. What Critical Race Theory is?

13:16:43 24 A. Yes.

13:16:44 1 Q. How about anti-racism, same answer  
13:16:47 2 there?

13:16:47 3 A. Yes. I would want to have that  
13:16:52 4 definition.

13:16:53 5 Q. Do you not believe, as you sit  
13:16:56 6 here right now, that you know what anti-racism  
13:17:00 7 is?

13:17:02 8 A. Well, your anti-racism is just the  
13:17:23 9 word. I know what racism is and I know what  
13:17:27 10 anti means, so that's -- I guess I understand  
13:17:29 11 it to that degree.

13:17:31 12 Q. And would you agree with me that  
13:17:36 13 teaching curriculum that includes principles of  
13:17:41 14 anti-racism has been approved as part of the  
13:17:47 15 state approved curriculum?

13:17:50 16 MR. WHARTON: Objection. Answer  
13:17:51 17 if you know.

13:17:52 18 A. I'm not aware of specifically  
13:17:55 19 that, but I can't sit here and tell you that I  
13:18:01 20 can quote every part of it either.

13:18:03 21 BY MR. LUNDRIGAN:

13:18:03 22 Q. Yeah. Let me think of a different  
13:18:06 23 way to ask it. What I'm trying to get at is  
13:18:13 24 teachers, at least to my recollection, and it's

13:18:16 1 been a long time, I will admit that, but  
13:18:20 2 teachers teach in public school and have for  
13:18:23 3 quite a while that racism is a bad thing. Do  
13:18:30 4 you agree with that?

13:18:31 5 A. Yeah.

13:18:33 6 Q. Really? I'm sorry, did you say  
13:18:36 7 yes?

13:18:36 8 A. Yes. I'm sorry.

13:18:37 9 Q. That's okay. So it wouldn't -- it  
13:18:47 10 shouldn't surprise anybody if a teacher is  
13:18:48 11 talking about the history of slavery in the  
13:18:51 12 United States being a negative thing, a bad  
13:18:54 13 thing, right?

13:18:54 14 A. That would not surprise me.

13:18:56 15 Q. Okay. That's a valued judgment  
13:18:59 16 that's accepted at this point?

13:19:01 17 A. Yes.

13:19:02 18 Q. The same thing with segregation of  
13:19:06 19 public schools, would you agree with me?

13:19:07 20 A. Yes.

13:19:08 21 Q. So anti-racism in those senses, in  
13:19:12 22 those two examples that I just gave, that's  
13:19:15 23 part of the accepted, approved curriculum of  
13:19:19 24 the State of Ohio. Would you agree with that?

13:19:21 1 MR. WHARTON: Objection. Answer  
13:19:22 2 if you know.

13:19:22 3 A. It is discussed, yes.

13:19:31 4 BY MR. LUNDRIGAN:

13:19:31 5 Q. Nobody is going to come in and  
13:19:33 6 tell a teacher at Turpin High School, You can't  
13:19:38 7 teach that slavery is wrong because you have to  
13:19:41 8 give both sides of the issue. That's not going  
13:19:44 9 to happen, right?

13:19:45 10 MR. WHARTON: Objection. Answer  
13:19:46 11 if you know.

13:19:47 12 A. I wouldn't think so.

13:19:58 13 BY MR. LUNDRIGAN:

13:19:58 14 Q. Did you also hear that students  
13:20:01 15 had a walkout because of the cancellation of  
13:20:08 16 Diversity Day at Turpin High School?

13:20:10 17 A. Yes.

13:20:10 18 Q. Were you aware at any point that  
13:20:16 19 Sara Jonas inquired of Scott Prebles about  
13:20:20 20 disciplinary action against the students who  
13:20:22 21 were doing the walkout?

13:20:23 22 A. No knowledge of that.

13:20:28 23 Q. Would you have concern about that  
13:20:30 24 if that happened while you were superintendent?

13:20:33 1 MR. WHARTON: Objection. Answer  
13:20:35 2 if you can. If what, the student walkout or  
13:20:39 3 the --

13:20:39 4 Q. A board member requesting  
13:20:41 5 discipline for students who were engaging in a  
13:20:45 6 protest.

13:20:48 7 A. And the question was?

13:20:49 8 Q. Would that concern you as  
13:20:53 9 superintendent?

13:20:54 10 A. Oh, I understand. Concern me to  
13:21:05 11 the degree that that's really not their role  
13:21:08 12 maybe.

13:21:08 13 Q. Not the board member's role?

13:21:11 14 A. Right. Concern that if I didn't  
13:21:14 15 know it was happening, no, I take that  
13:21:17 16 information but.

13:21:20 17 Q. Do you think students have a  
13:21:22 18 constitutional right to engage in a walkout or  
13:21:25 19 a protest?

13:21:27 20 MR. WHARTON: Objection. Answer  
13:21:28 21 if you know.

13:21:40 22 A. Well, I guess it kind of depends a  
13:21:45 23 little bit on what they're walking out for.

13:21:47 24 BY MR. LUNDRIGAN:

13:21:47 1 Q. It would have to be a legitimate  
13:21:51 2 protected interest, correct?

13:21:53 3 A. I could say that, yes. They don't  
13:21:56 4 shed their rights at the door.

13:21:57 5 Q. They can't walk out because they  
13:22:00 6 want to have pizza three days a week instead of  
13:22:06 7 two days a week?

13:22:07 8 A. That's probably pressing the limit  
13:22:07 9 a little bit.

13:22:24 10 Q. Have you heard about Go Offline  
13:22:26 11 Day and the cancellation of that?

13:22:38 12 A. I think I may have heard about it  
13:22:40 13 either -- and I don't even know where I heard  
13:22:43 14 about it from, to be honest with you. But I  
13:22:47 15 know no specifics.

13:22:47 16 Q. Okay. You weren't involved in any  
13:22:50 17 of that?

13:22:50 18 A. No.

13:22:51 19 Q. Do you agree that the  
13:23:11 20 controversial issues policy No. 2240 is  
13:23:18 21 authorization for enforcement of the kindness  
13:23:29 22 resolution?

13:23:29 23 A. I don't think so.

13:23:30 24 Q. What's your reasoning for that?

13:23:32 1 A. I think it's talking about -- I  
13:23:38 2 can't quote it per se, but it's about making  
13:23:41 3 sure that controversial issues are vetted  
13:23:50 4 properly and be neutral and that it applies to  
13:23:52 5 curriculum.

13:23:53 6 Q. Are you aware that Sara Jonas  
13:23:57 7 claims to have authored the kindness resolution  
13:24:00 8 herself?

13:24:02 9 A. I have no knowledge of that.

13:24:06 10 Q. Well, we went through it earlier  
13:24:08 11 and it does reference the controversial issue,  
13:24:17 12 issues policy in the kindness resolution  
13:24:17 13 itself, correct?

13:24:26 14 A. And your question again was? What  
13:24:29 15 am I looking for?

13:24:30 16 Q. It's the sixth whereas.

13:24:31 17 A. Gotcha.

13:24:32 18 MR. WHARTON: It's the one that  
13:24:32 19 has the 6 drawn next to it.

13:24:35 20 A. I found that real quick.

13:24:35 21 BY MR. LUNDRIGAN:

13:25:03 22 Q. So do you think by referencing  
13:25:07 23 that policy provision explicitly in the  
13:25:12 24 kindness resolution that Ms. Jonas was relying



13:25:17 1 upon the controversial issues policy as the  
13:25:20 2 policy by which the kindness resolution would  
13:25:25 3 be implemented?

13:25:25 4 MR. WHARTON: Objection. Answer  
13:25:25 5 if you know.

13:25:27 6 A. I don't know what she was  
13:25:28 7 thinking.

13:26:18 8 BY MR. LUNDRIGAN:

13:26:18 9 Q. Were you aware that when the  
13:26:21 10 resolution, the kindness resolution, was  
13:26:23 11 passed, that at that board meeting  
13:26:26 12 Defendant Jonas, Sara Jonas, indicated  
13:26:28 13 that she wanted to set the tone for the new  
13:26:31 14 superintendent, which turned out to be you,  
13:26:34 15 with the resolution?

13:26:36 16 A. I'm not aware of it.

13:26:38 17 Q. I'm going through and trying to  
13:27:14 18 cut out some of this so I can get you out of  
13:27:17 19 here.

13:27:17 20 A. I appreciate that.

13:27:29 21 Q. I looked at the anti-racism policy  
13:27:35 22 that you referenced in your affidavit. Are you  
13:27:38 23 familiar with that policy, off the top of your  
13:27:42 24 head or do you need to look at it?

13:27:44 1 MR. WHARTON: What is the  
13:27:45 2 anti-racism policy?

13:27:48 3 MS. LUNDRIGAN: I think it's the  
13:27:50 4 nondiscrimination policy.

13:27:51 5 MR. LUNDRIGAN: Nondiscrimination  
13:27:53 6 policy, I'm sorry. The words are loaded here  
13:27:58 7 so I have to get them correct.

13:27:58 8 MS. LUNDRIGAN: It might be 1422.  
13:28:00 9 Is that in his affidavit? I think it's 1422.

13:28:00 10 MR. WHARTON: I don't think the  
13:28:13 11 nondiscrimination policy was part of his  
13:28:16 12 affidavit.

13:28:16 13 MR. LUNDRIGAN: Was it not?

13:28:18 14 MR. WHARTON: No.

13:28:18 15 BY MR. LUNDRIGAN:

13:28:18 16 Q. Are you familiar with the  
13:28:20 17 nondiscrimination policy? I think it is  
13:28:24 18 actually somewhere.

13:28:31 19 The reason I ask is this -- maybe  
13:28:33 20 you can answer it without looking at it,  
13:28:35 21 specifically. There is a policy at Forest  
13:28:41 22 Hills and every other school district that I  
13:28:44 23 know of that prohibits racial discrimination or  
13:28:50 24 harassment against students, correct?

13:28:51 1 A. Against all people. Yes.

13:28:53 2 Q. And most -- Neola, was that the  
13:29:01 3 organization that promulgates the standards?

13:29:04 4 A. Yes, Neola.

13:29:07 5 Q. They, in fact, have a  
13:29:11 6 nondiscrimination policy, but when I read  
13:29:14 7 through it and I read through Forest Hills, it  
13:29:16 8 looks to me like it only applies to employees  
13:29:19 9 the way it's worded. Are you familiar with  
13:29:21 10 that?

13:29:22 11 A. I would have to read it.

13:29:23 12 MR. WHARTON: Actually, Kelly,  
13:29:25 13 I'll tell you, each section or chapter of the  
13:29:29 14 policies will announce who it pertains to. So  
13:29:33 15 there's some for staff, some for students, but  
13:29:36 16 there's a nondiscrimination policy in each one  
13:29:40 17 of those sections. So there is one that  
13:29:42 18 pertains to students.

13:29:44 19 MR. DETERS: Yes. Typically, it  
13:29:44 20 parrots the other versions, it just has a  
13:29:44 21 couple word differences.

13:29:44 22 MR. LUNDRIGAN: Got it.

13:29:45 23 MR. DETERS: That's because policy  
13:29:46 24 companies can't add it together because they

13:29:48 1 want to charge you by the word.

13:29:50 2 A. They're really good at it too.

13:29:56 3 MR. DETERS: It's actually insane.  
13:29:57 4 It could be one policy. It's actually the  
13:29:59 5 exact same policy; it could just refer to all  
13:30:02 6 of them at once.

13:30:02 7 A. Different types of employees,  
13:30:06 8 certified, classified. It's interesting.

13:30:10 9 MR. WHARTON: You'd have to look  
13:30:11 10 at the student chapter of the policy to get  
13:30:16 11 that specific one.

13:30:16 12 MR. LUNDRIGAN: Okay.

13:30:16 13 BY MR. LUNDRIGAN:

13:30:33 14 Q. You've never talked to any of the  
13:30:35 15 plaintiff parents, I take it?

13:30:38 16 A. Who would they be?

13:30:40 17 Q. Sarah Updike is one. She's a  
13:30:43 18 teacher?

13:30:44 19 A. I wouldn't know Sarah if she  
13:30:47 20 walked by me.

13:30:58 21 Q. Would you look at page 27 of the  
13:31:01 22 Amended Complaint that's Exhibit 4. I'm sorry,  
13:31:10 23 if I said it's 57, I meant 27.

13:31:12 24 MR. WHARTON: You said page 27.

13:31:17 1 It's paragraph 57.

13:31:17 2 BY MR. LUNDRIGAN:

13:31:29 3 Q. Paragraph 57 relates to an event  
13:31:32 4 that occurred either in late June or early July  
13:31:36 5 that's alleged to have occurred which is about  
13:31:38 6 a month before you started, right?

13:31:42 7 A. Yes. At least a month.

13:31:45 8 Q. Are you familiar with the  
13:31:48 9 allegations of this paragraph, and did you ever  
13:31:52 10 investigate them to see if anybody could  
13:31:56 11 confirm whether or not they occurred?

13:32:16 12 A. I'm not knowledgeable about this.

13:32:19 13 Q. And you've never talked to anybody  
13:32:21 14 about whether or not this incident actually  
13:32:24 15 occurred?

13:32:26 16 A. Other than real briefly, Kim Pence  
13:32:32 17 -- not Pence, Kim Tensley said that an issue  
13:32:37 18 that was dealt with at the time.

13:32:41 19 Q. What did she say the issue was?

13:32:43 20 A. Something about a meeting or a  
13:32:46 21 presentation.

13:32:50 22 Q. And did she say how it was dealt  
13:32:52 23 with?

13:32:52 24 A. That they left.

13:32:55 1 Q. And did she say that it was  
13:32:58 2 because of the topic of what was being  
13:33:01 3 discussed at the presentation?

13:33:05 4 A. Yes, I think it was. I think she  
13:33:10 5 did say that.

13:33:15 6 Q. And did she confirm that the  
13:33:17 7 teacher's belief was that it ran afoul of the  
13:33:25 8 resolution, the kindness resolution?

13:33:27 9 MR. WHARTON: Objection. Answer  
13:33:28 10 if you know.

13:33:28 11 A. I don't know that part.

13:33:48 12 BY MR. LUNDRIGAN:

13:33:48 13 Q. Would you look at page 28 of the  
13:33:54 14 complaint.

13:33:55 15 A. Yes.

13:33:56 16 Q. This is part of the paragraph 58.  
13:33:59 17 And it, again, relates to the term Social  
13:34:05 18 Emotional Learning. And it indicates that  
13:34:09 19 Forest Hills School District counselors have  
13:34:14 20 been directed by Forest Hills School District  
13:34:16 21 that they may not utilize the term Social  
13:34:20 22 Emotional Learning. Do you know whether or not  
13:34:22 23 that's true?

13:34:23 24 A. I'm unaware. I have not ordered

13:34:26 1 that or -- no, I'm not aware of that.

13:34:32 2 Q. Have you heard whether or not  
13:34:37 3 anybody else has ordered that?

13:34:38 4 A. Not that I've heard.

13:34:50 5 Q. How about the next subparagraph B,  
13:34:52 6 and it talks about the needs assessment, which  
13:34:56 7 was a survey. Are you aware of whether or not  
13:34:58 8 that's been done away with?

13:35:06 9 A. I am aware that one survey by a  
13:35:25 10 third party is not being used. And, in fact,  
13:35:31 11 we're doing our own needs survey, doing it that  
13:35:37 12 way.

13:35:37 13 Q. Is it the American School  
13:35:40 14 Counseling Association's Survey that was done  
13:35:42 15 away with?

13:35:43 16 A. That doesn't ring a bell.

13:35:45 17 Q. So you don't know what  
13:35:47 18 organization's --

13:35:50 19 A. Which one -- not off the top of my  
13:35:53 20 head. That I don't think was it.

13:35:56 21 Q. Whose survey is being used now, if  
13:36:02 22 you know?

13:36:02 23 A. We're developing one ourselves.

13:36:10 24 Q. Who's involved in that process?

13:36:13 1 A. Curriculum department.

13:36:15 2 Q. Is that Kim?

13:36:17 3 A. Kim is the head of it.

13:36:19 4 Q. Who else is in the curriculum

13:36:23 5 department?

13:36:24 6 A. Bob Buck is the elementary

13:36:29 7 director of the curriculum or teaching and

13:36:32 8 learning, and then Shane Hartley is the

13:36:38 9 secondary.

13:36:38 10 Q. Did you say Jane?

13:36:41 11 A. Shane Hartley, S-H-A-N-E.

13:36:46 12 Q. Anybody else?

13:36:49 13 A. Those are the three. Kim Tensley

13:36:58 14 is the assistant -- she's their immediate

13:37:02 15 supervisor.

13:37:03 16 Q. Do you know whether or not they

13:37:06 17 have a draft prepared at this point?

13:37:10 18 A. No. I think it's still a work in

13:37:13 19 progress.

13:37:13 20 Q. So there hasn't been a needs

13:37:16 21 assessment survey done for any students for

13:37:19 22 this academic year to date?

13:37:22 23 A. Not that I am aware of.

13:37:24 24 Q. Do you know if the survey that's



13:37:33 1 being developed by these folks includes  
13:37:38 2 questions about information about diverse  
13:37:42 3 backgrounds and diverse needs, about diversity?

13:37:46 4 A. I have not seen the draft of it  
13:37:49 5 yet or any parts of it yet.

13:37:52 6 Q. Is there any direction that's been  
13:37:54 7 given in writing to the folks on this committee  
13:37:58 8 who are developing it about what to include in  
13:38:01 9 it?

13:38:01 10 A. No, not that I am aware of.

13:38:05 11 Q. If there had been direction, would  
13:38:09 12 that have come from Kim?

13:38:12 13 A. Yes. But I would know about it  
13:38:14 14 too.

13:38:15 15 Q. Why was the old survey discarded?

13:38:21 16 A. I think it was -- part of the  
13:38:27 17 reason that -- if I remember the discussion  
13:38:29 18 with Kim was that we just didn't have control  
13:38:33 19 over who had our data.

13:38:42 20 Q. Does that mean who was collecting  
13:38:45 21 the data and keeping it in a repository?

13:38:50 22 A. Yes. Whoever had the storage of  
13:38:53 23 it, which it wouldn't have been us.

13:38:55 24 Q. And now with the new survey, the

13:38:58 1 school itself will keep the data?

13:39:00 2 A. Correct.

13:39:01 3 Q. Were the board members, any of the  
13:39:04 4 board members critical of the old survey?

13:39:09 5 A. I'm not sure.

13:39:19 6 Q. How about the school climate  
13:39:29 7 survey, are you familiar with that?

13:39:32 8 A. School climate survey.

13:39:38 9 Q. That's in subsection C on the next  
13:39:41 10 page. Sorry.

13:40:01 11 A. The only thing that I'm aware of,  
13:40:07 12 and this may be the same thing as was called  
13:40:13 13 panorama or something to that effect. That's  
13:40:17 14 what I assumed you were talking about. That  
13:40:19 15 may be what you're referencing there.

13:40:22 16 Q. And can you tell me what you know  
13:40:24 17 about panorama and whether or not it's still --

13:40:28 18 A. That was the third party group  
13:40:31 19 that didn't like the idea of information being  
13:40:42 20 held somewhere else out of our control.

13:40:51 21 Q. And would you look at paragraphs  
13:40:56 22 59 and 60. And tell me whether or not -- now  
13:41:01 23 this was after you began your position as  
13:41:05 24 superintendent. And can you tell me whether or

13:41:07 1 not you know about this situation?

13:41:17 2 A. Yes, I'm aware of this.

13:41:36 3 Q. Can you tell us your version of  
13:41:38 4 what happened.

13:41:40 5 A. A student was using a school  
13:41:43 6 district account to survey on their own, their  
13:41:51 7 own information, and that's really not an  
13:41:55 8 appropriate use of school resources. And so  
13:42:01 9 she wants to -- I believe it was a girl. I  
13:42:04 10 can't remember. I believe it was. If she  
13:42:07 11 wants to do that survey, then she can use her  
13:42:12 12 own system, her own way of reaching kids so.

13:42:18 13 Q. So she was sending the survey  
13:42:20 14 through her Forest Hills School District email  
13:42:24 15 address, correct?

13:42:25 16 A. I believe that was -- I believe  
13:42:27 17 that's correct.

13:42:28 18 Q. Which is through Google?

13:42:31 19 A. I believe so. Yes.

13:42:34 20 Q. And is it accurate that her Google  
13:42:37 21 account was frozen?

13:42:39 22 A. To the degree that the survey was.  
13:42:46 23 Yes.

13:42:46 24 Q. And the survey that she was

13:42:54 1 sending out was about the effect of the  
13:42:56 2 resolution and whether or not it was impacting  
13:42:59 3 students' education; is that correct?

13:43:01 4 A. I'm -- well, I don't know that 100  
13:43:04 5 percent.

13:43:04 6 Q. You didn't read the survey?

13:43:06 7 A. I did not. No.

13:43:07 8 Q. Who brought it to your attention?

13:43:09 9 A. I believe Kim Tensley.

13:43:13 10 Q. And what did she tell you?

13:43:15 11 A. I believe it was in reference to  
13:43:20 12 opinions on a resolution. Just opinions -- I  
13:43:33 13 can't remember a lot of the specifics other  
13:43:36 14 than to say was it approved -- you know, my  
13:43:39 15 response was, We shouldn't be using school  
13:43:43 16 resources for things that are not school  
13:43:47 17 related or personal in nature, as much as  
13:43:51 18 possible.

13:43:52 19 Q. So did you make the decision to  
13:43:56 20 shut down her ability to use the school email  
13:44:00 21 for the survey?

13:44:02 22 A. Ultimately. Ultimately, it's me,  
13:44:05 23 but I think it was already in process. I think  
13:44:10 24 they all kind of thought it was stretching the

13:44:14 1 bounds of what we should be doing. But  
13:44:17 2 ultimately, it's me.

13:44:27 3 Q. Does the school email system allow  
13:44:30 4 students to look up emails for other students  
13:44:34 5 in the district?

13:44:36 6 A. I believe you can start typing a  
13:44:52 7 student's name, it may come up. They have a  
13:45:02 8 little bit different restrictions than adults,  
13:45:09 9 so I don't know 100 percent how that works.

13:45:12 10 Q. There's no restriction against  
13:45:15 11 students emailing each other through that  
13:45:18 12 system, right?

13:45:25 13 A. I would have to find out what the  
13:45:29 14 restrictions are. I think you can. Some of  
13:45:33 15 the settings that you can put on there to  
13:45:36 16 restrict it, I just don't know if ours is. But  
13:45:40 17 it doesn't sound like it is, but I can't sit  
13:45:43 18 here and swear to it.

13:45:47 19 Q. Do you know whether or not there's  
13:45:47 20 a public address book that students can access  
13:45:52 21 that will give them the names and email  
13:45:54 22 addresses of other students in the district?

13:45:56 23 MR. WHARTON: When you say public,  
13:45:59 24 like available to the public or just available

13:45:59 1 to the students?

13:46:00 2 Q. Available to the students. When I  
13:46:00 3 say public, what I mean is one that is not on  
13:46:04 4 their personal computer, it's one that's on the  
13:46:07 5 server that they can look up other --

13:46:07 6 MR. WHARTON: Is there a student  
13:46:10 7 directory that other students can access?

13:46:13 8 A. I am not aware of that. Again,  
13:46:17 9 Google has different restriction policies that  
13:46:22 10 you can set. I'd have to -- I would have to  
13:46:28 11 know more, a little bit more.

13:46:30 12 Q. And you didn't think this was a  
13:46:32 13 school-related topic?

13:46:35 14 A. Certainly not approved.

13:46:37 15 Q. What do you mean by approved?

13:46:40 16 A. There was no request made to use  
13:46:43 17 the school's system for any type of survey.

13:46:51 18 Q. Is it required that students seek  
13:46:55 19 approval to email each other and seek approval  
13:47:01 20 of the topic that they're going to be emailing  
13:47:05 21 about?

13:47:05 22 MR. WHARTON: Versus doing a  
13:47:07 23 survey?

13:47:10 24 Q. Well, it sounds like the reason

13:47:12 1 that this was shut down is because of the  
13:47:15 2 topic.

13:47:16 3 A. No. I think it was more because  
13:47:19 4 of the survey. It may have been partially, but  
13:47:23 5 my guess it's more about the survey, just doing  
13:47:27 6 a survey. Now, if it was -- that's as far as I  
13:47:32 7 know.

13:47:32 8 Q. Do you know if other students have  
13:47:34 9 done surveys using the Forest Hills School  
13:47:41 10 District email system in the past?

13:47:42 11 A. Not specific knowledge, no.

13:47:44 12 Q. When you say this wasn't school  
13:47:47 13 related, do you mean the fact that it submitted  
13:47:53 14 or asked questions about the resolution and its  
13:47:57 15 impact was not school related; is that what  
13:48:00 16 you're saying?

13:48:00 17 MR. WHARTON: No. He said it  
13:48:02 18 wasn't school approved, not that it wasn't  
13:48:04 19 school related.

13:48:04 20 Q. Well, I think you said both at  
13:48:06 21 different points; is that correct?

13:48:08 22 MR. WHARTON: Then he can go ahead  
13:48:11 23 and answer.

13:48:11 24 A. Well, any time you do surveys or

13:48:15 1 do any of those kind of things, it needs to be  
13:48:18 2 approved.

13:48:18 3 Q. So do you think that the topic of  
13:48:22 4 the resolution and whether or not it has  
13:48:23 5 impacted other students is an appropriate  
13:48:29 6 topic, an appropriate school-related topic?

13:48:34 7 MR. WHARTON: Objection. Answer  
13:48:35 8 if you can.

13:48:36 9 A. I'm not sure how to answer that.

13:48:36 10

13:48:53 11 BY MR. LUNDRIGAN:

13:48:53 12 Q. Well, let me give you an analogy.  
13:48:56 13 If somebody -- does Turpin have a school  
13:48:59 14 newspaper?

13:49:03 15 A. I'm not aware of that yet.

13:49:09 16 Q. Okay. If they do have a school  
13:49:12 17 newspaper, the school doesn't -- the school  
13:49:17 18 wouldn't look at the school newspaper and  
13:49:19 19 prohibit a student from writing about the topic  
13:49:22 20 of the resolution, would they?

13:49:24 21 MR. WHARTON: Objection. Answer  
13:49:26 22 if you know.

13:49:30 23 Q. Or would they?

13:49:32 24 A. Well, it would depend on what the



13:49:38 1 content of the article said too. We do have  
13:49:42 2 advisors that review and there's appropriate  
13:49:45 3 ways to write in journalistic form. Typically  
13:49:51 4 that's a class that those come out of, not  
13:49:55 5 always.

13:49:59 6 Q. But you'll agree that it wouldn't  
13:50:01 7 be appropriate for an advisor or for anybody  
13:50:04 8 else in the administration to say, No, I don't  
13:50:07 9 want you to write about that topic because it's  
13:50:11 10 critical of the current board?

13:50:16 11 MR. WHARTON: Objection. Answer  
13:50:17 12 if you can.

13:50:21 13 A. Well, again without knowing  
13:50:26 14 exactly what it was, that's hard to say. But  
13:50:30 15 if it's done appropriately and not --  
13:50:50 16 BY MR. LUNDRIGAN:

13:50:50 17 Q. Is there a specific policy at  
13:50:53 18 Forest Hills that says that surveys from  
13:50:56 19 students have to be preapproved?

13:51:09 20 A. I can't pull one right off the top  
13:51:13 21 of my head, no. But I can't sit here and tell  
13:51:16 22 you that there isn't one either.

13:51:18 23 Q. You're saying that you can't say  
13:51:21 24 that there's not one in writing?

13:51:23 1 A. Correct.

13:51:23 2 Q. But you said earlier that it's  
13:51:25 3 school policy that surveys be approved, right?

13:51:29 4 A. Did I? I'm not sure I -- did I  
13:51:39 5 say school policy?

13:51:40 6 Q. I thought that's what you said.  
13:51:42 7 Is it school policy that students have to get  
13:51:46 8 pre-approval of surveys?

13:51:49 9 A. Well, it's common that students  
13:51:54 10 have to have approval to do -- to use our  
13:52:00 11 software, our, you know, to do surveys, yes,  
13:52:08 12 that's pretty typical, that there's an approval  
13:52:11 13 process, typically through teacher, through the  
13:52:14 14 building level first.

13:52:15 15 Q. But there's nothing in writing  
13:52:17 16 that you know of that requires that, right?

13:52:19 17 A. Not right off the top of my head  
13:52:24 18 that I'm aware of.

13:52:25 19 Q. So there are unwritten policies  
13:52:27 20 that exist in the district that govern things  
13:52:31 21 like speech, right?

13:52:33 22 MR. WHARTON: Objection. Answer  
13:52:34 23 if you can.

13:52:36 24 A. Well, I think there's -- yeah, I

13:52:39 1 don't think you can possibly have a policy that  
13:52:42 2 covers everything that we do, so we have to --  
13:52:47 3 administrators are expected to make some common  
13:52:52 4 sense judgments on things, so.

13:52:55 5 BY MR. LUNDRIGAN:

13:52:55 6 Q. Are there other surveys used for  
13:52:58 7 sports and clubs and things like that?

13:53:04 8 A. There could be, but I don't know  
13:53:08 9 about specifics.

13:53:19 10 Q. There's a tool that Google has to  
13:53:22 11 do surveys, for example, to find dates for  
13:53:27 12 meetings and things like that, decide what kind  
13:53:32 13 of pizza you want to have at a club meeting.  
13:53:37 14 Do you guys use that, if you know?

13:53:39 15 A. Yeah. Probably.

13:53:42 16 MR. WHARTON: Just say if you know  
13:53:44 17 or not.

13:53:45 18 A. I'm not sure.

13:53:53 19 Q. How does a student know what they  
13:53:59 20 have to get approved by the administration to  
13:54:03 21 talk about with other students in an email?

13:54:12 22 MR. WHARTON: Objection. Answer  
13:54:13 23 if you can.

13:54:14 24 BY MR. LUNDRIGAN:

13:54:14 1 A. Well, the only thing that I can  
13:54:27 2 answer there is, we try to teach kids proper  
13:54:31 3 use of email and all technologies as they  
13:54:36 4 matriculate through the grades, but I don't  
13:54:39 5 know if that's what you're looking for so much.

13:54:41 6 Q. Well, it sounds like there's  
13:54:43 7 nothing specific in the school handbook or  
13:54:46 8 anything like that that this student that sent  
13:54:49 9 the survey could have looked at and realized,  
13:54:52 10 hey, I have to get approval to do this?

13:54:56 11 MR. WHARTON: Well, again, there's  
13:54:56 12 a difference between students sending emails to  
13:54:59 13 each other and students using the survey  
13:55:02 14 function.

13:55:02 15 MR. LUNDRIGAN: No, I understand  
13:55:03 16 and that's what I'm talking about is the survey  
13:55:03 17 that was sent.

13:55:06 18 MR. WHARTON: All right. Because  
13:55:06 19 you used email in the last question.

13:55:07 20 MR. LUNDRIGAN: Well, she emailed  
13:55:08 21 the survey.

13:55:08 22 BY MR. LUNDRIGAN:

13:55:09 23 Q. So what I'm asking is: Is there  
13:55:11 24 anything that you know of in writing that she

13:55:13 1 could have looked at that would have told her  
13:55:16 2 that I have to get approval to send this?

13:55:22 3 MR. WHARTON: Answer if you can.

13:55:29 4 A. I'm unaware of it.

13:55:36 5 Q. Rather than simply freeze her  
13:55:40 6 Goggle account, did anyone consider going to  
13:55:42 7 the student and saying, Hey, you have to get  
13:55:44 8 approval for this; why don't you tell us what  
13:55:47 9 you're doing and we'll consider it?

13:55:50 10 MR. WHARTON: Objection. Answer  
13:55:51 11 if you know.

13:55:51 12 A. I'm not aware if that happened or  
13:55:54 13 not.

13:55:54 14 BY MR. LUNDRIGAN:

13:55:54 15 Q. Do you think that should have  
13:55:56 16 happened?

13:55:56 17 MR. WHARTON: Objection. Answer  
13:55:57 18 if you can.

13:55:58 19 A. Yes. That usually goes through a  
13:56:08 20 teacher or the building administration.

13:56:13 21 BY MR. LUNDRIGAN:

13:56:13 22 Q. And do you agree with me that no  
13:56:26 23 one in the administration specified to the  
13:56:29 24 student what rule, specifically, it was that

13:56:31 1 she had violated?

13:56:35 2 MR. WHARTON: Objection. Answer  
13:56:36 3 if you know.

13:56:36 4 A. I don't know. I don't know the  
13:56:39 5 answer to that.

13:56:43 6 BY MR. LUNDRIGAN:

13:56:43 7 Q. Did you discuss the survey  
13:56:46 8 incident with any board members at all?

13:56:57 9 A. Not that I can recollect.

13:57:08 10 Q. This one I remember. Maybe you'll  
13:57:12 11 remember it too. Look at paragraph 64, please.  
13:57:16 12 I'm sorry, I'm going to have to take a break  
13:57:18 13 for about five minutes.

13:57:18 14 (Discussion off the record.)

13:57:23 15 BY MR. LUNDRIGAN:

13:57:23 16 Q. Did you get a chance to read 63  
14:00:28 17 and 64?

14:00:29 18 A. Oh, I didn't read 63. I read 64.  
14:00:33 19 Hold on. (Reading document.)

14:00:57 20 Q. And my questions to you, it sounds  
14:00:59 21 to me and it sounded like to me when I saw this  
14:01:03 22 permission slip come home for my own children  
14:01:07 23 that the school is approving what type of  
14:01:12 24 outside speakers can come in and what topics

14:01:19 1 they can talk about; is that accurate?

14:01:21 2 A. That's pretty standard.

14:01:24 3 Q. And among other things, it says  
14:01:33 4 they've been preapproved based upon their  
14:01:36 5 alignment to the Forest Hills Strategic Plan,  
14:01:39 6 Forest Hills School District Cornerstones and  
14:01:42 7 Forest Hills Portrait of a Learner, as well as  
14:01:43 8 following administrative guideline 2240,  
14:01:47 9 correct?

14:01:51 10 MR. WHARTON: Are you asking if  
14:01:52 11 that's what the language says here or is what  
14:01:54 12 is actually on the form itself?

14:01:56 13 Q. Do you remember if -- 2240 is the  
14:01:58 14 controversial issues policies, right?

14:02:01 15 MR. WHARTON: Yeah, but you're  
14:02:03 16 asking if that's on -- you're asking him about  
14:02:03 17 what the language is here in the complaint or  
14:02:06 18 if that language is actually on the form?

14:02:06 19 Q. I'm asking him ultimately whether  
14:02:09 20 or not it was on the form.

14:02:11 21 MR. WHARTON: All right. Answer  
14:02:11 22 that if you can.

14:02:12 23 A. I haven't seen the form.

14:02:14 24 BY MR. LUNDRIGAN:

14:02:14 1 Q. Do you know whether or not outside  
14:02:17 2 speakers are vetted for compliance with the  
14:02:20 3 controversial issues policy 2240?

14:02:26 4 A. Yes, they are vetted.

14:02:30 5 Q. And that's the same policy that  
14:02:35 6 Sara Jonas referred to on the kindness  
14:02:42 7 resolution that's specifically referenced  
14:02:44 8 within it, correct, in the sixth whereas  
14:02:49 9 paragraph?

14:02:49 10 MR. WHARTON: There may be a  
14:02:50 11 difference and he can speak to this, because  
14:02:53 12 you mentioned -- you quote the language of the  
14:02:55 13 form. It's referring to administrative  
14:02:58 14 guideline 2240, where the resolution talks  
14:03:02 15 about policy 2240. And I'll let him answer  
14:03:02 16 whether that's the same thing or if there's  
14:03:08 17 something different there.

14:03:08 18 A. Policy and administrative  
14:03:11 19 guidelines are two different things.  
14:03:13 20 Guidelines are kind of the how you do it, kind  
14:03:18 21 of for lack of a better way, where the policy  
14:03:24 22 is more overriding. And, typically, guidelines  
14:03:28 23 are not necessarily board approved; they're  
14:03:33 24 just the steps an administrator may follow.



14:03:38 1 Q. Is there an administrative  
14:03:41 2 guideline 2240?

14:03:43 3 A. I would have to look, but there's  
14:03:44 4 usually guidelines that are connected to most  
14:03:48 5 policies. Not all of them, but most.

14:03:50 6 Q. Can those be found in the policy  
14:03:53 7 manual with the policy language?

14:03:55 8 A. They're on BoardDocs online, yes.  
14:03:57 9 I believe you can access those as well.

14:04:00 10 Q. So it's your belief that they were  
14:04:02 11 talking about an administrative guideline for  
14:04:05 12 applying the controversial issues policy 2240;  
14:04:12 13 is that correct?

14:04:12 14 A. That's an assumption.

14:04:18 15 Q. Well, if that language is on the  
14:04:20 16 form, it relates to the controversial issues  
14:04:24 17 policy in one way or another, either --

14:04:24 18 A. Okay.

14:04:27 19 Q. -- either it's explicitly relating  
14:04:32 20 to the policy itself or it's relating to the  
14:04:35 21 administrative guideline for the policy; is  
14:04:47 22 that correct?

14:04:47 23 A. Yes. Typically, if the numbers  
14:04:50 24 line up, they are connected. Typically.

14:04:57 1 Q. What are the Forest Hills  
14:05:05 2 Cornerstones, if you know?

14:05:07 3 A. No. I don't know those right off  
14:05:09 4 the top of my head.

14:05:26 5 Q. And would you look at paragraph 68  
14:05:30 6 of the complaint. This was, I believe, before  
14:05:39 7 you were hired.

14:05:41 8 A. Okay.

14:05:42 9 Q. But I'm curious as to whether or  
14:05:45 10 not you heard anything about this incident?

14:06:45 11 A. (Reviewing document) that they  
14:06:56 12 sent an email to me?

14:06:58 13 Q. No.

14:06:59 14 MR. WHARTON: No. This happened  
14:07:02 15 last school year.

14:07:03 16 A. Oh, okay.

14:07:04 17 Q. This was before your hiring. I'm  
14:07:06 18 just curious as to whether or not you were  
14:07:09 19 aware of this incident, if anybody has  
14:07:11 20 discussed it with you.

14:07:13 21 A. Yes, I am aware only because a  
14:07:20 22 teacher -- I'm trying to think of his name.  
14:07:30 23 AP geography at Turpin. If you said it, I  
14:07:37 24 would know it -- came to me and just said, you

14:07:41 1 know, he was upset. I said, You teach AP  
14:07:50 2 geography? Yes. Do you teach about red  
14:07:54 3 lining? Yes. It's part of the standard. I  
14:07:58 4 said, You're good. It happened. It's not  
14:08:01 5 right, but it happened. Nothing wrong with it,  
14:08:05 6 with talking about it. I'm assuming that's  
14:08:11 7 what you're talking about. That's what I know  
14:08:14 8 about it.

14:08:15 9 Q. Okay.

14:08:18 10 A. I did hear something about the  
14:08:21 11 video but I don't know anything. Never viewed  
14:08:24 12 it. I don't know what it -- it refers to a  
14:08:28 13 video. I don't know what that was about.

14:08:30 14 Q. So have there been multiple  
14:08:33 15 complaints about this and you ended up having  
14:08:34 16 to deal with one yourself after you were hired  
14:08:35 17 or is that --

14:08:35 18 A. The teacher felt bad about it. He  
14:08:39 19 just -- you know, I said, Don't feel bad about  
14:08:43 20 it. I said, Teach your course.

14:08:46 21 Q. Was the teacher concerned about it  
14:08:50 22 because of the resolution, the kindness  
14:08:54 23 resolution?

14:08:54 24 MR. WHARTON: Objection. Answer

14:08:55 1 if you know.

14:08:55 2 A. That I don't know, other than he  
14:08:58 3 just felt singled out. He didn't feel -- he  
14:09:06 4 wanted to make sure it was okay. I said,  
14:09:09 5 You're fine. You have college standards for AP  
14:09:12 6 courses, teach them.

14:09:15 7 BY MR. LUNDRIGAN:

14:09:15 8 Q. Do you think it's an appropriate  
14:09:45 9 role for these board members to request an  
14:09:58 10 investigation of a teacher for teaching a topic  
14:10:03 11 like red lining?

14:10:05 12 MR. WHARTON: Objection. Answer  
14:10:06 13 if you can.

14:10:18 14 A. I think board members -- and I've  
14:10:25 15 been around a bunch of them, they will say a  
14:10:29 16 lot of things. Doesn't mean I know what my  
14:10:33 17 role is, and so -- as I would a parent, a  
14:10:38 18 parent called and complained, depending on what  
14:10:45 19 the topic was, it would depend on how deep of  
14:10:49 20 an investigation it was. I don't know if that  
14:10:52 21 makes sense.

14:10:52 22 BY MR. LUNDRIGAN:

14:10:52 23 Q. No, that makes perfect sense.

14:10:55 24 Thank you. Do you agree that this request for

14:11:02 1 an investigation by Sara Jonas against this  
14:11:09 2 teacher in this email from Ms. -- Board Member  
14:11:19 3 Hausfeld, saying the video is recklessly  
14:11:22 4 inappropriate, the teacher is using propaganda,  
14:11:32 5 do you think those things, combined with the  
14:11:34 6 existence of this kindness resolution and the  
14:11:38 7 things that it states about teaching  
14:11:41 8 anti-racism, would chill a teacher's belief  
14:11:52 9 that they could teach about the topic of red  
14:11:56 10 lining without being negatively impacted in  
14:12:00 11 their employment?

14:12:01 12 MR. WHARTON: Objection. Answer  
14:12:03 13 if you know.

14:12:03 14 A. The simplest answer is, I very  
14:12:07 15 purposely every year and I did this year,  
14:12:11 16 because I obviously knew that there was a  
14:12:16 17 resolution, made sure in convocation, teach  
14:12:19 18 your standards. If you're an AP teacher, teach  
14:12:22 19 your course. That's it. Do -- you know, we're  
14:12:27 20 talking about doing what's right for kids.  
14:12:31 21 Teach your course. Okay. They, like always,  
14:12:37 22 just stay neutral on politics. But run your  
14:12:42 23 course. And this specific thing the teacher  
14:12:46 24 asked me, but I've told principals, if you've

14:12:50 1 got a question, touch base with one of your  
14:12:54 2 principals. If they don't know, shoot me an  
14:12:57 3 email. I haven't had anybody ask me  
14:13:00 4 specifically other than -- I'm assuming it's  
14:13:02 5 the same teacher because there's only probably  
14:13:06 6 one AP geography teacher there.

14:13:09 7 BY MR. LUNDRIGAN:

14:13:09 8 Q. So it sounds like you, by telling  
14:13:12 9 the teachers this, you were trying to -- you  
14:13:20 10 were trying to tell them -- trying to comfort  
14:13:26 11 them and tell them that as long as they're  
14:13:29 12 teaching within the guidelines, they're safe?

14:13:31 13 A. Yes. Absolutely. We want you to  
14:13:34 14 teach those standards. That's an expectation.

14:13:43 15 Q. But at the same time, would you  
14:13:44 16 agree with me that if you were a teacher, if  
14:13:47 17 you were this AP human geography teacher and  
14:13:51 18 you got -- you saw two emails like that from  
14:13:55 19 these two board members, specifically saying  
14:13:58 20 these things about your teaching and then you  
14:14:01 21 have a board resolution that is voted into  
14:14:09 22 existence by the board that on its face  
14:14:14 23 prohibits what they obviously considered to be  
14:14:18 24 anti-racism teaching, would that make you feel

14:14:24 1 like you were a target?

14:14:26 2 MR. WHARTON: Objection. Answer  
14:14:27 3 if you know.

14:14:28 4 A. Well, I'm -- human nature, if I  
14:14:36 5 were a teacher and these people were not family  
14:14:41 6 friends and I just knew that they were a board  
14:14:44 7 member, that would certainly make you pause.  
14:14:46 8 But I'd also be going right to my union advisor  
14:14:52 9 and say, Am I doing something wrong? I would  
14:14:55 10 go to my principal and say, I was a biology  
14:15:00 11 teacher. I taught portions of evolution. You  
14:15:03 12 have to know how to be balanced in those  
14:15:06 13 things. I'm not saying he -- but hopefully --  
14:15:09 14 this was the only person and I'm sure it's the  
14:15:12 15 same person and I made sure that he was fine.

14:15:20 16 BY MR. LUNDRIGAN:

14:15:20 17 Q. Okay. I guess the distinction I'm  
14:15:23 18 trying to make is that I get what you're saying  
14:15:26 19 about board members will say what they're going  
14:15:29 20 to say. They're not professional educators.  
14:15:34 21 They're voted into office by a political  
14:15:36 22 process. They have their own agendas. But do  
14:15:40 23 you agree with me there's a difference between  
14:15:43 24 a single board member criticizing a teacher and

14:15:49 1 the board as a whole passing a resolution?

14:15:51 2 A. Technically, there's a difference,  
14:15:57 3 you know. Yes.

14:16:07 4 Q. Do you know of any teachers who  
14:16:09 5 have quit and cited the passage of the kindness  
14:16:18 6 resolution as a reason? I'm thinking  
14:16:20 7 specifically about a calculus teacher whose  
14:16:24 8 letter I read at Turpin. I think an AP  
14:16:29 9 teacher.

14:16:37 10 A. I may have seen it as she turned  
14:16:41 11 it in with her retirement papers or resignation  
14:16:50 12 papers. I would assume that Mr. Fellows, our  
14:16:52 13 director of human resources, yes.

14:16:54 14 MR. WHARTON: Don't assume. If  
14:16:55 15 you know, you know. If you don't know, you  
14:16:58 16 don't know.

14:16:58 17 A. I don't recall the contents of the  
14:17:00 18 letter. No.

14:17:02 19 Q. Okay. Give me just a few minutes  
14:17:11 20 to talk with my boss here and -- actually, I'm  
14:17:17 21 sorry, there's a couple of other things I need  
14:17:17 22 to get through.

14:17:17 23 (Brief recess.)

14:17:17 24 (Exhibit No. 5 was marked for identification.)



14:21:49 1 BY MR. LUNDRIGAN:

14:21:49 2 Q. I'll give you a few minutes to  
14:21:52 3 look through that, Exhibit 5. I don't know if  
14:21:53 4 you've seen that before or not? I assume you  
14:21:57 5 have, but I don't know if you remember it.

14:23:02 6 A. (Examining document) Okay.

14:23:07 7 Q. Do you remember this situation?

14:23:07 8 A. Yes. It's been a little while  
14:23:09 9 but.

14:23:09 10 Q. And this was a complaint from a  
14:23:12 11 parent?

14:23:12 12 A. Mm-hmm.

14:23:13 13 Q. And he was upset because a  
14:23:16 14 kindergarten teacher was using pronouns after  
14:23:19 15 her signature and specifically she used she,  
14:23:23 16 her, hers after her email signature.

14:23:26 17 A. Mm-hmm. Yes.

14:23:31 18 Q. My question is not anything about  
14:23:36 19 the parents' concern, but my question is about  
14:23:42 20 Katie Stewart's email to Kyle, the parent,  
14:23:51 21 saying I wanted you to know this goes against  
14:23:57 22 board policy. Do you see that?

14:23:59 23 A. Yes.

14:23:59 24 Q. I am hopeful this will be

14:24:02 1 corrected and won't be a concern going forward.  
14:24:04 2 And you are carbon copied on the email, right?  
14:24:09 3 A. Yes.  
14:24:10 4 Q. And so is Mr. Fellows.  
14:24:13 5 A. Correct.  
14:24:13 6 Q. Mr. Fellows is at Anderson; is  
14:24:18 7 that right?  
14:24:18 8 A. Rob Fellows is the former  
14:24:22 9 principal of Anderson, but he is now the  
14:24:24 10 director of human resources.  
14:24:27 11 Q. Oh, okay. I didn't know that.  
14:24:30 12 Tell him I said congratulations.  
14:24:32 13 A. Some days it's condolences as  
14:25:04 14 well.  
14:25:04 15 Q. Exactly. Do you know what board  
14:25:07 16 policy Ms. Stewart is referring to?  
14:25:09 17 A. No. Not right off the top of my  
14:25:12 18 head.  
14:25:13 19 Q. Do you assume that she is talking  
14:25:17 20 about the kindness resolution?  
14:25:24 21 A. No. I wouldn't -- that's not how  
14:25:29 22 I -- that's not what I assumed.  
14:25:33 23 Q. Do you know of any other board  
14:25:35 24 policy that would be implicated by the use of

14:25:40 1 pronouns to indicate a gender identity?

14:25:45 2 MR. WHARTON: Objection. Answer  
14:25:47 3 if you know.

14:25:48 4 A. No.

14:25:50 5 BY MR. LUNDRIGAN:

14:25:50 6 Q. Okay. Clearly, she believes that  
14:25:55 7 there is one.

14:25:56 8 MR. WHARTON: Objection. Answer  
14:25:58 9 if you know.

14:25:58 10 A. I don't know what she was  
14:25:59 11 thinking.

14:25:59 12 (Exhibit No. 6 was marked for identification.)

14:26:00 13 BY MR. LUNDRIGAN:

14:26:00 14 Q. This is Hook 6, and this is a  
14:26:40 15 subsequent email dated August -- I'm sorry, a  
14:26:44 16 prior email dated August 19, 2022, and you're  
14:26:51 17 responding to Rob Fellows. And you indicate,  
14:27:01 18 Not much legal grounds to stop her. Probably  
14:27:05 19 wouldn't get much support in the courts.

14:27:13 20 A. Okay.

14:27:15 21 Q. Do you remember writing that  
14:27:17 22 response?

14:27:18 23 A. Probably. Yes. Mainly, I don't  
14:27:27 24 care if they use their pronouns, that's up to

14:27:31 1 them. That's what I was referring to. I'm  
14:27:34 2 sure that's what I was referring to. Yeah.

14:27:42 3 Q. Did you search through the  
14:27:45 4 policies to see what Ms. Stewart was referring  
14:27:48 5 to when she said that there was a policy that  
14:27:51 6 was violated by the use of the pronouns?

14:27:54 7 MR. WHARTON: Objection. Go ahead  
14:27:58 8 and answer if you know.

14:27:58 9 A. No, I did not look through the  
14:28:00 10 policy.

14:28:01 11 BY MR. LUNDRIGAN:

14:28:01 12 Q. And just to clarify, these emails  
14:28:07 13 to this complaint took place after the  
14:28:11 14 stipulation was entered into between the  
14:28:14 15 district and the plaintiffs in the lawsuit; is  
14:28:19 16 that right?

14:28:19 17 A. I'm not sure what the dates are.  
14:28:33 18 Can you give me the dates?

14:28:35 19 Q. The stipulation, I'll represent to  
14:28:37 20 you, was entered into before your hire date.

14:28:40 21 A. Oh, okay.

14:28:42 22 Q. And why did you believe that it  
14:28:54 23 would be a legal problem to try to prohibit  
14:29:00 24 this teacher from doing what she was doing with

14:29:04 1 the pronouns?

14:29:05 2 A. Rob asked me is there an issue,  
14:29:07 3 and I go, No. She can sign her name with  
14:29:14 4 pronouns if she chooses to. I'm sure she's  
14:29:19 5 probably not the only one. The only thing that  
14:29:22 6 was a concern was that it was a live link to an  
14:29:27 7 exterior site.

14:29:34 8 Q. So the she, hers -- she, her,  
14:29:40 9 hers, that being underlined, that indicates  
14:29:43 10 it's a link; is that correct?

14:29:46 11 A. Usually that and it may be  
14:29:49 12 colored. Sometimes they --

14:29:51 13 Q. Did you check the site that it  
14:29:54 14 linked to?

14:29:58 15 A. Yes, but I don't remember all the  
14:30:02 16 specifics of it. It's probably in here.  
14:30:02 17 (Exhibit No. 7 was marked for identification.)  
14:30:02 18 BY MR. LUNDRIGAN:

14:31:10 19 Q. Do you have what's marked as  
14:31:12 20 Exhibit 7?

14:31:14 21 A. Yes.

14:31:15 22 Q. And this is an email from Brooke  
14:31:20 23 Lovely, the teacher at issue, to Rob Fellows.  
14:31:24 24 It doesn't discuss what the meeting is about,

14:31:27 1 but it indicates that she was going to meet  
14:31:29 2 with Rob and talk to him about the complaint;  
14:31:34 3 is that right?

14:31:34 4 A. Yes.

14:31:36 5 Q. And then she writes back to him a  
14:31:45 6 second time and says, Just following up. Done  
14:31:47 7 and done. Have a great night. Do you know  
14:31:49 8 what she was asked to do?

14:31:51 9 A. Remove the link.

14:31:54 10 Q. And what was the reason for that?

14:31:56 11 A. It's not a school-approved site.

14:31:59 12 Q. What was the site?

14:32:02 13 A. I don't remember the exact -- what  
14:32:06 14 it was.

14:32:09 15 Q. Was it a site that explained the  
14:32:13 16 purpose behind using pronouns?

14:32:19 17 A. It's been a while since I looked  
14:32:21 18 at it. I would have to see it again.

14:32:24 19 Q. Was the site reviewed for approval  
14:32:28 20 or was it decided that the teacher would just  
14:32:33 21 have to remove the link because it had not been  
14:32:36 22 approved at that time?

14:32:38 23 A. In general, you know, sites,  
14:32:54 24 external sites need to be approved. So that,

14:33:01 1 obviously if it's a curriculum site, that's one  
14:33:07 2 thing.

14:33:08 3 Q. Is that a policy of the district?

14:33:18 4 MR. WHARTON: Is what a policy of  
14:33:20 5 the district?

14:33:21 6 Q. To review links to websites.

14:33:21 7 MR. WHARTON: Answer if you know.

14:33:36 8 A. Well, I can't quote a site.

14:33:38 9 Q. You mean you can't quote a policy?

14:33:41 10 A. A policy but.

14:33:41 11 (Exhibit No. 8 was marked for identification.)

14:33:44 12 BY MR. LUNDRIGAN:

14:33:44 13 Q. And do you recognize Exhibit 8?

14:34:13 14 A. Yes.

14:34:14 15 Q. This is another email chain  
14:34:18 16 generated at the top, August 29. This is just  
14:34:23 17 an email from Rob Fellows to Katie  
14:34:27 18 Stewart confirming that the teacher is asked to  
14:34:30 19 remove the link and she did so.

14:34:32 20 A. Yes.

14:34:33 21 Q. Did that satisfy Ms. Stewart?

14:34:36 22 MR. WHARTON: Objection. Answer  
14:34:37 23 if you know.

14:34:39 24 A. I assume. I didn't hear anymore,

14:34:41 1 that I can remember.

14:34:42 2 BY MR. LUNDRIGAN:

14:34:42 3 Q. Did you have any conversations  
14:34:51 4 with Ms. Stewart about whether or not her  
14:34:53 5 request that this teacher be told she can't do  
14:34:57 6 this would violate the stipulation that was in  
14:35:01 7 place between the district and the plaintiffs?

14:35:16 8 A. I'm trying to think specifically  
14:35:19 9 to this. I need a little more clarification.  
14:35:47 10 Like, do I remember talking to her? I don't  
14:35:51 11 know if I -- I'm not sure who all I talked to  
14:36:01 12 about that other than Rob, and I may have  
14:36:04 13 responded to Katie, that she can do --there's  
14:36:10 14 no violations of putting a pronoun on your  
14:36:13 15 name. I don't care.

14:36:14 16 Q. Okay. My question is, did you  
14:36:18 17 talk with Rob or Katie or anybody else about  
14:36:21 18 the fact -- other than your lawyers, other than  
14:36:24 19 the fact that -- about the fact that Katie's  
14:36:30 20 request, if it referred, in fact, to the  
14:36:35 21 kindness resolution when she said policy, and  
14:36:40 22 said this violates our policy, did you talk to  
14:36:44 23 anyone about the fact that her request to  
14:36:48 24 enforce that policy against the teacher could



14:36:52 1 be seen as a violation of the stipulation  
14:36:54 2 between the school district and the plaintiffs  
14:36:57 3 in the lawsuit?

14:36:59 4 MR. WHARTON: Objection. Answer  
14:37:00 5 if you know.

14:37:01 6 A. I'm not aware if that's what she  
14:37:03 7 meant.

14:37:03 8 BY MR. LUNDRIGAN:

14:37:03 9 Q. Did you consider that possibility?

14:37:07 10 MR. WHARTON: Objection. Answer  
14:37:08 11 if you can.

14:37:08 12 A. I didn't. I did not. When  
14:37:13 13 somebody says policy, I think board policy not  
14:37:21 14 -- not the resolution. I didn't think about  
14:37:25 15 that, to be honest with you.

14:37:25 16 (Exhibit No. 9 was marked for identification.)

14:37:27 17 BY MR. LUNDRIGAN:

14:37:27 18 Q. And would you look at what's  
14:37:29 19 been marked as Exhibit 9. And I think the  
14:37:47 20 significance of this email is just that's  
14:37:51 21 it's Linda Hausfeld, another board member,  
14:37:54 22 asking for the same thing, which is to look  
14:38:00 23 into the teacher using the pronouns. Same  
14:38:05 24 teacher, same complaint from the same parent,

14:38:09 1 correct?

14:38:09 2 A. Yes. It looks like the same.

14:38:27 3 MR. LUNDRIGAN: All right. I am  
14:38:28 4 finished. And I doubt that these folks have  
14:38:32 5 any questions for you.

14:38:33 6 MR. WHARTON: I have no questions  
14:38:35 7 for him.

14:38:37 8 MR. DETERS: Nothing from me.

14:38:39 9 MR. WHARTON: We will take  
14:38:40 10 signature.

14:38:42 11 MR. LUNDRIGAN: And I'll order a  
14:38:43 12 copy.

14:38:44 13 MR. WHARTON: We'll take a copy as  
14:38:46 14 well.

15 MR. LUNDRIGAN: Thank you.

16

17

18

19

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

---

LARRY HOOK

- - -

(Deposition concluded at 2:40 p.m.)

- - -

C E R T I F I C A T E

STATE OF OHIO: SS:  
COUNTY OF HAMILTON:

I, Cynthia A. Oliver, (Sposato) a duly qualified and commissioned notary public in and for the State of Ohio, do hereby certify that prior to the giving of his deposition, the within named LARRY HOOK, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth; that the foregoing pages constitute a true and correct transcript of testimony given at said time and place by said deponent; that said deposition was taken by me in stenotypy and transcribed under my supervision; that I am neither a relative of nor attorney for any of the parties to this litigation, nor relative of nor employee of any of their counsel, and have no interest whatsoever in the result of this litigation. I am not financially interested in the action; I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I hereunto set

1 my hand and official seal of office at  
2 Cincinnati, Ohio this 8th day of  
3 December, 2022.

4 MY COMMISSION EXPIRES:   
5 October 13, 2023 CYNTHIA A. OLIVER RPR  
6 NOTARY PUBLIC-STATE OF OHIO  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

## 1 OLIVER REPORTING ERRATA SHEET

2 PLEASE NOTE ANY STENOGRAPHIC OR TYPOGRAPHICAL  
3 ERRORS BY LISTING THE PAGE NUMBER, LINE NUMBER  
4 AND A BRIEF DESCRIPTION OF THE ERROR. UPON  
5 COMPLETION, PLEASE SIGN AND DATE THIS SHEET AT  
6 THE BOTTOM. THANK YOU.

7 Page Line No. Correction and Reason

8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_

22 \_\_\_\_\_Signature:\_\_\_\_\_

23 \_\_\_\_\_Date:\_\_\_\_\_

24